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RELATING TO CANADA

1825-32

*Colonies
Canada*

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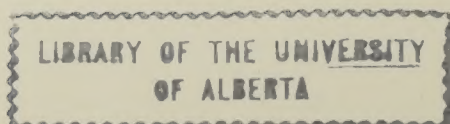
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CANADA COMPANY.

MINUTES OF THE INTENDED ARRANGEMENTS

Between Earl BATHURST, His Majesty's Secretary of State, and
the proposed CANADA COMPANY.

Ordered, by The House of Commons, to be Printed, 15 April 1825.

THE Merchants and others, who have united together to establish a Company for purchasing, improving, settling and disposing of lands and other property in *Upper Canada*, and especially for purchasing and settling certain lands in the province of *Upper Canada*, which have been reserved for certain public purposes, and for the support of a Protestant clergy, and which are known by the name of "The Crown Reserves," and "The Clergy Reserves," and which merchants and others, for that purpose, have subscribed a capital of One Million sterling;—having applied to Earl Bathurst, His Majesty's Principal Secretary of State having the Department of the Colonies, to advise His Majesty to grant to them a charter of incorporation, and to grant and convey to them, for certain valuable considerations, the said reserved lands in the province of *Upper Canada*;—the following arrangement has been concluded between the committee or court of Directors, appointed by those persons, and acting for the general body, on the one part, and Lord Bathurst on the other part.

1st.—IT being necessary that the consent of Parliament should be obtained, before His Majesty can grant that part of the lands proposed to be conveyed to the company, which have been reserved for the support of a Protestant Clergy, Lord Bathurst will, at an early period of the next Session of Parliament, take the necessary measures for introducing a Bill for this purpose.

2nd.—As it may be expedient to invest the proposed company with certain powers and privileges, which His Majesty, by the mere exercise of His royal prerogative could not confer, Lord Bathurst will introduce into the Bill to be submitted to Parliament, the necessary clauses for investing the proposed company with those powers and privileges.

3rd.—Subjoined to the present minute is a Memorandum, containing the heads of the Bill which Lord Bathurst proposes thus to lay before Parliament, for its consideration. His Lordship must be distinctly understood, as not binding himself to support any particular parts of this Bill, which, in the course of the Parliamentary discussion of the subject, it may appear to him right or expedient to abandon. The subjoined Memorandum must therefore be regarded only as containing those provisions which, upon his present consideration of the subject, Lord Bathurst thinks it would be proper to suggest to Parliament for its adoption.

4th.—Lord Bathurst will move the Lords of the Privy Council to advise His Majesty to issue under the great seal, a royal charter for the incorporation of the proposed company. By this charter would be granted such powers and privileges as it is competent to the Crown, by virtue of its prerogative to confer, without the

aid of Parliament. Subjoined to the present minute is a Memorandum, containing the heads of the charter which it is proposed thus to grant. It is however to be clearly and distinctly understood, that notwithstanding the present arrangement, the Lords of the Privy Council (as the constitutional advisers of the Crown on subjects of this nature), and the Lord Chancellor (as keeper of the great seal) will exercise their judgment both as to the propriety of issuing such a charter, and as to any particular clauses in it, which may appear to them illegal or objectionable.

5th.—When the company shall have been actually incorporated, Lord Bathurst will further advise His Majesty to convey to them, upon the terms and conditions subsequently mentioned, the lands in the province of *Upper Canada*, which are subsequently described.

6th.—That part of the province of *Upper Canada*, which has hitherto been occupied by His Majesty's subjects, is at present divided into districts, which are subdivided into counties, and in each of the counties various townships have been laid out. In pursuance of the statute 31st George 3. c. 31. one seventh of the land comprised in these townships, has been reserved for the maintenance of a Protestant Clergy. These lands are called "The Clergy Reserves." One other seventh part of the lands included in these townships, has been reserved by His Majesty for public purposes, and are known by the name of "The Crown Reserves." In the district of *Niagara*, no reserves have been made for the Crown. But the deficiency has been supplied by a large reservation in the adjoining district of *Gore*. Various grants in fee simple have already been made of parts both of the "Clergy Reserves" and of the "Crown Reserves." Some parts of these lands have been demised for terms of years; other parts have been occupied either with the written licence of the colonial government, or on the faith of verbal promises made by that government, that the occupants should receive grants on leases of the lands in their occupation. There are other parts of these lands which, without any legal conveyance, or even any actual promise or licence, have been appropriated to purposes of a public nature, or for the convenience or advantage of the clergy of the province; other portions which have not hitherto been actually so appropriated, are yet, from their peculiar local advantages, or from other circumstances, so situated as that the occupation of them may be peculiarly convenient or necessary for the public service within the province, or for the erection of churches, school-houses, or parsonage-houses, with small adjoining pieces of land to be used as burying grounds, yards or gardens. Finally, there are within the Clergy and Crown Reserves, various parcels of land which have been occupied for ten years and upwards, by persons who have resided upon them, not only without any grant, but without any pretence of legal title, and who, in America, are usually designated by the appellation of "Squatters," but who, notwithstanding, have not been disturbed in that occupation. When the company shall actually have been incorporated, Lord Bathurst will advise His Majesty to convey to them, upon the conditions subsequently stated, the whole of the Crown Reserves, and one half of the Clergy Reserves, in those townships which, on or before the first day of March 1824, were actually laid out in the several districts before mentioned, in the province of *Upper Canada*; it being understood that the several portions of the Crown and Clergy Reserves which, as above mentioned, have been granted or demised on lease, or occupied on the licence or promise of the government, or appropriated to public or clerical purposes, or occupied without disturbance for ten years, or which may be peculiarly convenient or necessary either for the public service or the ecclesiastical objects already mentioned, are to be wholly excepted; so that there will be conveyed to the company one half of that part only of the Clergy Reserves which will remain, after deducting these excepted lands from the entire quantity originally reserved, and the whole of the Crown Reserves which will remain after making the corresponding deduction of the excepted lands from them.

7th.—In order that the exceptions mentioned in the preceding paragraph, may not operate more extensively than is at present contemplated, Lord Bathurst will immediately instruct the lieutenant governor of *Upper Canada* to adopt all necessary measures for preventing any new grants or leases being made, or licences of occupation given, of any part either of the Clergy or Crown Reserves. But as until the proposed charter of incorporation shall be granted, the corporation already existing

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in *Upper Canada*, for the management of the Clergy Reserves, will in point of law be invested with the power of granting leases of those lands, His Majesty's government is not to be held responsible to the company, if any intermediate leases shall actually be granted; a contingency, however, which it may be presumed is highly improbable. To obviate any danger of misconception upon so important a subject, it is to be most distinctly understood, that the present arrangement is not in any degree whatever to affect the right of the clergy of the province, or of the corporation established for the management of the clergy estates, or of the King as head of the church in *Canada*, to manage, cultivate and settle that portion of the Clergy Reserves which is not to be included in the sales to the company; but that when the portion of the Clergy Reserves which is still to be reserved to the clergy, shall be ascertained and set apart, as is subsequently mentioned, every restriction upon the corporation, in respect of granting leases or otherwise, relating to the management of such portion of the Clergy Reserves, shall be at an end.

8th.—The lands to be granted to the company when incorporated, will be conveyed to them in fee simple, to be held in free and common soccage.

9th.—The company will have no claim to become purchasers of any lands which may be reserved for the Crown or for the clergy, in any townships which may be laid out in any part of the province subsequently to the 1st day of March 1824.

10th.—It is arranged, that so soon as the proposed charter of incorporation shall have passed the great seal (and sooner, if the company should think fit), five commissioners shall be appointed, who shall proceed to *Upper Canada*, with power to ascertain the quantity and to determine the price to be paid by the company, for the said reserved lands.

11th.—Of the five commissioners, two will be nominated by Lord Bathurst, and two by the committee or court of directors of the proposed company. These nominations being made, the court of directors shall then name three other persons as candidates for the office of fifth commissioner. If any two of the four first named commissioners concur in objecting to any one or more of the three candidates, the name or names of the person or persons so objected to shall be withdrawn, and other names substituted by the court of directors, until three candidates shall be named, to no one of whom any two of the four first named commissioners concur in objecting; of these three candidates, Lord Bathurst will select one, who will be the fifth commissioner.

12th.—The decision of the commissioners in every case, will be guided by the majority in number of votes. The senior commissioner appointed by the Crown, will be the permanent chairman of the commission.

13th.—In the event of a vacancy occurring, by the death, resignation, incapacity or permanent sickness of any commissioner, the vacancy is to be supplied by the same party and in the same method as the commissioner creating the vacancy was himself appointed; but until the successor can be nominated in England, a provisional appointment may be made in the province, either by the lieutenant-governor, if the commissioner creating the vacancy was appointed by the Crown, or by the surviving or continuing commissioner of the company, if the commissioner creating the vacancy was appointed by the company, or in the mode prescribed in the preceding paragraph, No. 11, if the commissioner should create the vacancy, the lieutenant-governor will in that case have the right of selection from the three candidates presented to him. A secretary will be attached to the commission, to be appointed by the commissioners themselves, with a salary not exceeding £.500.

14th.—The remuneration of the two commissioners nominated by Lord Bathurst, will be provided for by His Majesty's government; the company will remunerate the commissioners appointed by themselves. The remuneration of the fifth commissioner and of the secretary, and all the expenses which may be reasonably incurred by the commissioners in travelling or otherwise, by reason and in the execution of the commission with which they are to be charged, will be equally divided between His Majesty's government and the company.

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15th.—

15th.—The five commissioners thus nominated, will receive a commission under the great seal of the province ; for their guidance in the execution of the duties to be committed to them, they will receive written instructions from Lord Bathurst. If in the progress of the commission it should be necessary to issue further instructions, they will be given by Lord Bathurst in concert and communication with the court of directors ; subjoined to this minute is a copy of the commission which it is proposed to grant, and of the instructions which will immediately issue for the guidance of the commissioners.

16th.—Upon their arrival in *Upper Canada*, the commissioners assisted by every means which the local government can command, will proceed to ascertain what is the price to be paid by the company to His Majesty's government, for the lands proposed to be granted to them. In fixing that price they will be governed by the principles and rules subsequently laid down.

17th.—The commissioners will first inquire what sales of land have been effected in each district of *Upper Canada*, for ready money, during the period of the last five years preceeding the first day of March 1824. By the expression " Sales effected for ready money," will be understood not only sales in which, upon the conveyance of the land, the money was actually paid to the seller in cash, but also sales in which the purchase money was paid by bills of exchange, whether home or foreign, at the usual sights. In such inquiry reference shall not be had to sales of single lots of not more than 200 acres, or smaller parcels of land, or to sales of lands which at the time of such sale were cleared or cultivated ; all the lands so as aforesaid to be granted to the said proposed company, being uncleared and unoccupied, and the arrangement between the parties, and the intent and meaning of this agreement being, that the most recent transactions and the largest sales which shall be found to have taken place previous to the said 1st day of March 1824, shall be the criterion or standard by which the commissioners shall be principally regulated in the prices which they are to ascertain and determine. Having ascertained as far as possible, the most recent, and the largest classes of the ready money sales thus effected during the beforementioned period, in all of the districts in *Upper Canada*, the commissioners will proceed to strike an average ready money price for each district, upon equitable principles, regulated by the facts so to be ascertained, and by every other information, in conformity with the terms and spirit of the arrangement made between the parties.

18th.—As it may happen that the value of lands in different parts of the same districts may be materially different, sales effected in one part of such a district would afford no criterion of the value of lands in another part of that district ; for the purpose of the intended average valuation, the existing division of the territory into districts, which was adopted for political purposes merely, may perhaps be found entirely inapplicable. Adjoining parts of different districts may bear so strong a resemblance to each other, in those circumstances which constitute the value of lands, that a fair average would be most effectually obtained by classing together lands which lie in different political divisions of the province. If these suppositions should prove to be consistent with the fact, it will be in the discretion of the commissioners, if they shall think fit, in forming the general average, to observe the following rules :—They will ascertain the population of each township in the province, according to the latest census ; they will then consider, without reference to the existing division of the province into districts, what townships most nearly resemble each other in population, in advantages or disadvantages of locality, and in natural fertility of soil. They will place together in one class, as many townships, whether lying in the same or in separate districts, as may appear to them sufficiently to resemble each other in the three particulars already mentioned, of population, locality and fertility.

19th.—In fixing the price to be paid by the company, for the lands to be granted to them, the commissioners will have regard to the ready money price of lands in each district, when thus ascertained and averaged. These averages will be regarded as the first and most important, but not as the single criterion, by which the price to be paid by the company to His Majesty's Government, is to be determined. To correct any misconception as to the valuation which might arise from having regard

to

to this single test of value, the commissioners will also have regard to the extent of the purchase to be made by the company, and to the advantages to the colony, with which the introduction of so large a capital may be attended; and they will be at liberty to take into their consideration every fact of a distinct and specific kind, which may enable them to draw a more sound and satisfactory conclusion upon the question of value; it being however understood, that the criterion derived from ready money sales actually effected, is always to be adopted, unless reasonable ground may exist for supposing, that in any particular case it would lead to conclusions substantially and materially erroneous.

20th.—In order to obviate any doubt as to which part of the Clergy Reserves is to be granted to the proposed company, the commissioners will cause an exact transcript to be made of the public or government charts of each township, in order that on such transcript they may mark the lots which are to be granted to the company, and the lots which are still to be retained for the maintenance of a Protestant clergy. For this purpose after marking the various lots in the transcripts of the chart of each township, falling within any of the Exceptions enumerated in the preceding paragraph numbered 6, with the word "*excepted*," the commissioners will upon the same transcript of the public chart, affix a numerical mark upon each of the remaining lots of the Clergy Reserves, proceeding in order from No. 1, to the highest number corresponding with the number of lots thus to be divided. The commissioners marks will be made in red ink, to distinguish them from the numerical marks of the government offices. Those lots of the Clergy Reserves which shall thus appear upon the transcript of the government chart, bearing in red ink the alternate numbers 1, 3, 5, &c. shall still be retained for the support of a Protestant clergy. Those other lots of the Clergy Reserves which shall then appear upon the same transcript, bearing in red ink the alternate numbers 2, 4, 6, &c. shall be those which the company are to purchase from His Majesty.

21st.—During a period of fifteen years to commence and be computed from the 1st day of January 1826, the company shall in each year enter into possession of so much of the lands to be conveyed to them, as, according to the valuation to be made by the commissioners, shall be of the value of 20,000*l.* sterling.

The company will, nevertheless, be at liberty during the year 1825, and in any one of the years during the said period of fifteen years, to take possession of a larger quantity of such lands if they shall think proper so to do.

22d.—On the Monday next following the 25th day of March, the 24th day of June, the 29th day of September, and the 25th day of December, in each year during the before-mentioned period of 15 years, the company shall pay to such civil or military officer connected with the receipt of His Majesty's revenues in the province, as His Majesty shall from time to time appoint, the sum of 5,000*l.* sterling at the least. On each of the days last mentioned, the company, or their agents, duly authorized in that behalf in the province, are to deliver to the lieutenant-governor or other person administering the government, a return, stating particularly and minutely the several lots of land which, during the last preceding quarter of a year, have been occupied by or on behalf of the company, or by or on behalf of any persons claiming by virtue of any grant or lease from them. If it shall appear that, during any such quarter of a year, the company or their agents, grantees or lessees, have entered into possession of lands which, according to the commissioners valuation, shall exceed in value the sum of 5,000*l.* sterling, the excess of value is to be paid to such civil or military officer as aforesaid, in addition to the quarterly payment of 5,000*l.*

23d.—If the company, their agents or grantees, shall in any year enter into the possession of any lots of land not included in any of the quarterly returns of that year, the lands so entered upon, with all their improvements, shall be forfeited to and resuable by the Crown at pleasure.

24th.—The company will be bound, in each quarter of a year, to take possession of the lands to be granted to them, in the proportion of one lot of the Clergy Reserves, for every two lots upon which they may enter of the Crown Reserves, so long as a sufficient quantity of lands of both descriptions remains unoccupied.

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25th.—

25th.—Subject to the preceding conditions, the company will have the right of deciding which of the lands included in the proposed grants to them, shall be occupied by them, their agents, grantees or lessees, at any particular time; and His Majesty will not control the power of the company to select such districts or townships as to them may at any particular period appear best adapted for effecting settlements.

26th.—A receipt, under the hand and seal of the civil or military officer who may be appointed to receive from the company the quarterly payments before mentioned, such signature being attested by one credible witness, shall be a good and sufficient discharge to the company, for every sum of money acknowledged in any such receipt to have been received by the officer granting the same; and for obviating any doubt as to the proper officer into whose hand such money is to be paid, notices will from time to time be transmitted to the office of the company in London, from the Secretary of State, signifying what officer in the colony has been appointed to discharge this duty and grant the proper receipts.

27th.—Upon producing to the lieutenant governor, or person administering the government of the province, a receipt signed sealed and attested in manner before mentioned, a grant will be issued to the company under the great seal of the province, of all the lands occupied by them, their agents, grantees or lessees, in the preceding quarter of a year. Four such grants, therefore, and no more, will be issued in each year. It is to be understood, that the quarterly payment of the money due, and the delivery of the receipts and conveyances, are to be strictly contemporaneous acts, and that such arrangements as may be necessary for that purpose, will be made in the government offices of the colony. The company will execute under their common seal or otherwise, grants or leases to their own grantees or lessees.

28th.—The successive grants of land will be made to the company gratuitously, that is, without any fee of office, demand, or duty being due or payable to any public officer in the province, for preparing, expediting, sealing or issuing the same.

29th.—Persons claiming lands in *Upper Canada*, under any grant, lease, licence of occupation or other conveyance from the company, will hold such lands under and subject to all the laws and regulations which may be then in force within the province, in reference to the grantees or lessees of the Crown.

30th.—The company will, in each year during the before mentioned period of 15 years, place one-half at least of the lands, which during that year may have been occupied and purchased by them, in the possession of settlers, either as grantees or as lessees under them, in the proportion of one head of a family, or one adult unmarried settler for every 200 acres of such lands; and a proof of such actual settlement of one-half of the lands so to be occupied and purchased by the company, shall be admitted and received by the provincial government, as an equivalent for the performance of the partial clearing and improvements usually required, under the name of "Settlement Duties;" it being agreed, that such actual settlement of one-half of the lands, or such expenditure in compensation for the same, as is hereinafter provided for, shall acquit the company from the performance of any settlement duties on the remaining or unsettled half of the said lands purchased by them. On the Monday next following the 25th day of December in each year, the company or their agents will deliver to the lieutenant-governor, or person administering the government of the province, a return of the names of all settlers placed on such lands during the then current year, with a description of the lands upon which they have been so placed. If it shall upon any such return appear that more than one-half of the lands delivered during the then current year into the company's possession, remain unsettled, then for every lot of 200 acres so remaining unsettled, over and above the said one-half of the whole which may remain unsettled and in compensation for the performance of settlement duties as aforesaid, on the whole of the lands purchased in such year, the company shall within six calendar months next after the expiration of the year in which such settlement duties ought to have been performed, expend and lay out for each such lot the sum of thirty-five dollars, in opening, constructing or improving public roads and bridges, in some one or more of the different townships in which the lands purchased by the company shall be situated, such expenditure to be made in the discretion of the company's

INTENDED ARRANGEMENTS.

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company's agents, and the fact of the money being so expended in such public improvements, to be certified to the satisfaction of His Majesty's surveyor general for the time being, or any other officer whom the executive government of the province may appoint for that purpose [or the company shall become liable to pay to His Majesty the sum of 25 dollars for each such lot, which sum will by His Majesty be expended during the next succeeding year, in opening, constructing or improving the public land or water communications of some one or more of the townships in which the lands purchased by the company shall be situated.]

The company have by their letter of 29 December 1824, decided on expending the sum of 35 Dollars in improvements.

31st.—Any lands which, in pursuance of this arrangement, may be granted to the company, or which the company may grant or demise or lease to any person or persons, shall be resumable by His Majesty, in case the same should be required for canals, roads, the erection of forts, hospitals, arsenals, or any other purpose connected with the defence or security of the province, such requisition to be made either by an act of the provincial legislature, or by the executive government of the province; and in any such event, one arbitrator shall be named by His Majesty, and another arbitrator by the company, or their grantees or lessees, as the case may be, who shall concur in choosing a third; and the price to be paid to the company, their grantees or lessees, for any lands so resumed, shall be decided by the majority in number of such three arbitrators.

32d.—If within the lands to be sold and conveyed to the company, any persons should be found, who, without any legal title, have been, or are, in the actual occupation of any particular lands, the company will have the option either of declining to proceed with the purchase of any lot in which such illegal settlements have been made, or of accepting a grant thereof upon the conditions already stated, with the power of proceeding in due course of law, at their own expense, to dispossess the persons who may be found in any such unlawful occupation. It will be understood, that this provision does not apply to the case of persons, who, without any legal title, have held the quiet and undisturbed possession of lands for ten years, such persons being included within the excepted cases enumerated in the preceding paragraph, numbered 6.

33d.—His Majesty's government will recommend to the legislature of the province of *Upper Canada*, the adoption of any laws which it may be thought expedient to pass there, for carrying into full and perfect effect the arrangement between His Majesty and the company, as explained in this minute.

34th.—In case the charter which may ultimately be offered to the company by His Majesty's government, or the bill which may ultimately pass through every stage, except the last reading in the two Houses of Parliament, should be considered by the company insufficient to give full effect to the present agreement; and if they should, therefore, by a notification made to Lord Bathurst, through their chairman, deputy chairman, secretary, or solicitor, decline to accept such charter, on the ground of an essential variance from the terms of this agreement, or having accepted it, should, within seven days before the last reading of the proposed bill in Parliament, by a notification made as aforesaid, signify their desire, that on such grounds as aforesaid, such bill should not pass into a law; and if by reason of such alleged variation, the company should claim to be relieved from the payment of their share of the expense incurred by the commission; the following process shall be observed: Lord Bathurst will nominate one person, being either a serjeant at law, or one of His Majesty's counsel, and the company will nominate another person, holding such rank as before-mentioned, in the profession of the law, which two persons will be arbitrators, with power to nominate an umpire, holding the same professional rank; and such arbitrators, or in the event of their disagreement, such umpire shall, within one calendar month next after the reference to them, give their opinion in writing, in answer to the following question: viz. "Whether the charter offered by His Majesty's government, or the bill which may ultimately pass through every stage, except the last reading in the two Houses of Parliament (according as the objection of the company may be taken, either to the charter or the bill), is or is not such as to give full and fair effect to the agreement contained in the present minutes, and especially to the memoranda subjoined, of the heads of the proposed charter and bill, according to the fair and reasonable construction of those instruments,"

“ ments, and without reference to variations not affecting their substance and “ spirit?” According to the decision pronounced by the arbitrators or their umpire, the expense of the commission will be divided between His Majesty’s government, and the company, or will be borne wholly by His Majesty’s government. If, however, the company should think proper to proceed without an Act of Parliament, they will, of course, bear the whole of their share of the expense of the commission.

35th.—If any event should occur, which should render it impossible for His Majesty’s government to execute their part of the agreement, by granting and delivering possession of the lands; this arrangement is to be considered suspended during such inability on the part of the government, and the period of such suspension not to be calculated as any part of the 15 years before-mentioned; but the same portion of the 15 years as remained at the time of such suspension, is to continue and remain at the time of the removal of such suspension; and in the mean time it is not to be considered, that any debt has been contracted by the company to His Majesty, in respect of the payments which would have become due, but for such suspension.

36.—It is understood, that until the proposed company shall be legally constituted; the individual subscribers do not, by the present arrangement, incur any personal pecuniary responsibility; but by this stipulation, the individual subscribers do not intend to deny their liability (subject to the preceding condition, N^o 34) to defray their moiety of the expense of the commission.

(signed) BATHURST.

A MEMORANDUM, containing the Heads of the Provisions to be introduced into the Charter to be granted to the CANADA COMPANY.

1st.—THE objects with a view to which the company is established, will be stated in the charter, by way of preamble, in the same or in similar terms with those employed in the preamble, or introductory paragraphs of the preceding minutes.

2d.—It will be recited as a matter of fact, that a capital of One Million sterling has actually been subscribed towards the undertaking, and that of this capital a certain part has actually been paid up by the subscribers.

3dly.—The charter will then grant to such gentlemen, being shareholders, as the company shall nominate, and to all the other shareholders, whether present or future, a corporate character, and the stile of the corporation will be “The *Canada Company*.”

4thly.—Perpetual succession, the power of suing and being sued, and the power to use a common seal, will be granted to the company.

5thly.—The specific object of the company thus created, will be declared to be that of purchasing waste and uncleared lands in the province of *Upper Canada*, and of settling, clearing and disposing of such lands.

6thly.—It will further be declared, that the company is established with the view of carrying into effect all such other lawful objects as it may be necessary to pursue, in order to the efficient accomplishment of the primary object designated in the preceding paragraph. Among these subsidiary purposes will be enumerated, in express terms, the making advances of capital to settlers, the opening and improving of roads, and other internal communications, and the promoting the cultivation of such articles as can advantageously be exported from the province.

7thly.—The charter will then recite the conditions upon which His Majesty will grant, and subject to which the company are to hold, the lands to be conveyed to them in *Upper Canada*, so far as such conditions are specified in the preceding minutes.

8thly.—

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8thly.—It will immediately be declared, that the company are to have, for the management of their concerns, a chairman, a deputy chairman, eighteen directors, four auditors, and a secretary.

9thly.—The names of the first chairman, deputy chairman, directors and auditors, will be mentioned in the charter; and it will be declared, that the persons thus named shall continue in office until the 25th of March 1829, and until successors in their respective offices have been elected; with a proviso, that any intermediate vacancy, arising from the death, resignation or disqualification of any of these officers, shall be filled up by the election of a successor.

10th.—A power will be granted, to enable the court of directors to appoint two or more commissioners, resident in *Upper Canada*, to conduct the affairs of the company in that province, with power to contract for and bind the company to such extent, and subject to such restrictions, as the directors may see fit to direct and impose. It will, however, be provided, that any restrictions as to the power of contracting for and binding the company, which may be imposed upon the commissioners, shall be made publicly known in the province, to the intent that all persons with whom they deal may know the extent and limits of their authority.

11th.—Provision will be made for holding annual general courts of the company, for the election of the directors and auditors.

12th.—That at all general courts, the shareholders are to vote according to the following rules:—A person holding five shares and less than ten, to have one vote. If holding ten shares and less than twenty, he will have two votes. If holding twenty shares and less than twenty-five, he will have three votes. If holding twenty-five shares or more, he will have four votes, that being the largest number of votes which any person is to have.

13th.—At each annual court which may be holden after the 25th of March 1829, six directors and one auditor at the least must retire from office, and an equal number of persons be chosen in their stead to fill the vacancies thus created.

14th.—It will be determined by rotation, which of the directors and auditors are to vacate their offices at each successive annual court; but in the year 1829, and in each of the two following years, this question will be decided by casting lots. There being no seniority of appointment, as between the original officers of the company by which, in those years, the rotation could be determined.

15th.—Directors and auditors vacating their offices, shall be capable of being re-elected if otherwise properly qualified.

16th.—Every director must be a holder of twenty-five shares at the least, of the capital stock of the company in his own right; and every auditor must possess a similar qualification. Every director or auditor diminishing such qualification shall forthwith vacate such his office, and a person shall be elected in his stead to serve for the remainder of the year.

17th.—A power will be given to the general court to grant such salaries and allowances to all or any of the officers of the company, as may be deemed expedient; provided that circular notices, convening any such general court, shall issue at least one month before the meeting of it; and shall contain a distinct statement that a motion will be then made for the grant of such salaries and allowances.

18th.—Two general courts at the least will be held in each year, when the half yearly dividends shall be declared.

19th.—Special general courts may be held, which the directors will be bound to convene, on the requisition of any two or more proprietors, and in default of the directors issuing the necessary summons, such proprietors may themselves convene such special general courts by advertisement under their hand, in the *London Gazette*.

20th.—General courts, or special general courts, will be invested with the power of making or confirming bye-laws, and making all resolutions relative to the affairs of the company, such bye-laws and resolutions not being repugnant to the charter or to the laws of England. The bye-laws must be duly recorded in a book, to be kept for that purpose, to which all members of the company may have access.

21st.—Notice is to be given in the Gazette, and by circular letters, addressed to all members of the company in England, whose residence is known, of all general and special general courts; and such notices must state the particular objects or business, with a view to which such courts may be so convened.

22d.—The directors are annually to choose, from among their own number, a chairman, and deputy chairman, within fourteen days next after the annual election of directors. In the absence of the chairman and deputy chairman, the court of directors, or the general court of proprietors, as the case may be, may elect a person to act on that occasion, for and to represent the chairman.

23d.—The chairman, or deputy chairman, or the director acting as chairman for the day, and presiding at any court of directors, or general court of proprietors, may vote on the question under discussion, and may also give a casting vote.

24th.—The company will be authorized to raise an additional capital, amounting to £. 1,000,000. sterling, or other smaller amount, in pursuance of any resolution adopted at one, and confirmed at another general or special general court; and the new subscribers will be entitled to all the privileges and advantages of the old.

25th.—Power will be granted to the company to cultivate, settle, clear, hold and dispose of such waste lands, as they may purchase from His Majesty, in the province of *Upper Canada*, with powers to make loans of money to the settlers on any such lands, upon mortgage or other security.

26th.—Power will also be granted to the company to purchase, hold and dispose of lands situate in any other part of His Majesty's dominions, which it may be necessary for them to acquire, in order to the carrying the purposes of this charter into more complete effect; provided that the lands so purchased in England be not altogether of more than the annual value of £. 2,000; and also provided, that any such purchases as aforesaid be made in conformity to the local laws and statutes in force in those parts of His Majesty's foreign dominions in which the land so to be purchased may be situated.

27th.—A power will be granted to the company to purchase, and send to the province of *Upper Canada*, all such matters and things as may be necessary or convenient for the cultivation clearing or improvement of the lands which may be purchased by them therein; and they will also be empowered to receive, and to sell and dispose of, all goods and merchandize which may be consigned or remitted to them from such their lands, in payment and satisfaction of any rent or purchase money arising from the occupation or sale of any such lands; and they will further be empowered to receive and negotiate in England, bills of exchange, notes or other negotiable securities for money, which may be remitted to them on account of any such rent or purchase money.

28th.—The company will be empowered to make loans to the *Upper Canadian* government, in case any loan bill should receive the royal assent.

29th.—The appointment of secretaries solicitors and agents, the fixing their salaries, and the power of displacing them, the general conduct of the business of the company, and the nomination of sub-committees, will be intrusted exclusively to the court of directors.

30th.—The corporate seal must never be affixed to any instruments, except in pursuance of a written resolution of the court of directors, and in the presence of at least two directors.

31st.—No person holding the office of chairman, deputy chairman, director, secretary or auditor, may, in his own personal and individual character, enter into any contract with the company.

32d.—No dividend may ever be declared, by which the capital stock of the company will be diminished; but this not to affect the right of paying interest not exceeding four per cent. per annum.

(signed) BATHURST.

A MEMORANDUM, containing the Heads of the Provisions of the Bill, which Lord Bathurst proposes to bring into Parliament.

1st.—THE Bill will contain a clause, enabling the King to sell and convey to the *Canada Company*, that proportion of the Clergy Reserves, which is mentioned in the preceding Minutes.

2d.—The Bill will prescribe a simple form for the registration and transfer of the shares of individual proprietors of the company.

3d.—It will be declared, that the shares of the company are to be regarded as personal estate.

4th.—Provision will be made for the forfeiture to the company, of the shares of persons who, after a certain period, shall fail to comply with calls for paying up their subscriptions; and such persons will in the meantime be declared incompetent to sell their shares, or vote or act as members of the corporation.

5th.—A short and simple form of conveyance of lands from the company to individuals, will be prescribed and declared effectual in the law, to all intents and purposes.

6th.—Power will be given to the company to purchase and hold lands in England, which it may be expedient for them to acquire, in order to their carrying the purposes of their incorporation into more complete effect, and to dispose of such as may not be required for such purposes; provided that the lands so purchased and held, be not of more than the annual value of £.2,000.

COMMISSION to be granted to the Commissioners appointed to value the Lands in UPPER CANADA.

GEORGE THE FOURTH, by the grace of God of the United Kingdom of Great Britain and Ireland, King, defender of the Faith, and so forth; To our trusty and well beloved Francis Cockburn, lieutenant-colonel in our army, Simon M^c Gillivray, esquire, Sir John Harvey, K. C. H. lieutenant-colonel in our army, John Galt, esquire, and John Davidson, esquire, greeting: WHEREAS we have deemed it expedient to cause an inspection and valuation to be made of the lands which have been reserved to the use of us, our heirs and successors, in the townships which were laid out previous to the 1st day of March 1824, in the several districts of our province of *Upper Canada*, and which are usually known by the name and description of the Crown Reserves; and we have also deemed it expedient, that a similar inspection and valuation should be made of one moiety of the lands reserved, within the several townships aforesaid of our said province, for the support of a Protestant clergy: Now know Ye, That we, being well assured of the loyalty, integrity, and skilfulness of you, the said Lieutenant-Colonel Francis Cockburn, Simon M^c Gillivray, esquire, Sir John Harvey, K. C. H. John Galt, esquire, and John Davidson, esquire, Have nominated and appointed, and Do hereby nominate and appoint you to be our commissioners for making the valuation aforesaid; and we do hereby appoint you, the said Lieutenant-Colonel Francis Cockburn, to be our senior or chief commissioner for the purposes hereinafter mentioned: And we do hereby give and grant to you, and each of you, full power and authority to inspect and value the several lands aforesaid: And for the better carrying into execution and effect the objects aforesaid, we do further give and grant to you, and each of you, full power and authority to summon, and by all lawful ways and means to compel the attendance before you, of all our officers, civil and military, within our said province, when it may appear to you necessary or expedient to examine in or for the execution of this our commission: And we do further grant to you, as such commissioners as aforesaid, full licence, power and authority to inspect, and to cause to

be brought before you, all public maps, plans, charts, or other official and public papers and documents, of what nature or kind soever, which may be necessary or expedient for you to peruse, inspect or examine, as such commissioners as aforesaid; and in the execution of the duties hereby committed to you, it is our will and pleasure, that you shall and do, in all things, conform to such orders and instructions as shall or may be given to you, in that behalf, by our principal Secretary of State having the department of the Colonies: And we do charge and command you, when and so soon as you shall have completed such your valuation of the lands aforesaid, to make a report thereof in writing to us, under your hands and seals at arms: And we do hereby command and require all our officers, civil and military, and all other our loving subjects within our said province, to be aiding and assisting you in the execution of this our commission, as they will answer the contrary thereof at their peril. Witness, Sir Peregrine Maitland [*add his proper titles and designation*] at York Town, in the province of *Upper Canada*, this _____ day of

1824, in the fifth year of our reign.

By His Majesty's command.

(signed) *Peregrine Maitland* (L. s.)

INSTRUCTIONS to the Commissioners appointed to value the Lands in UPPER CANADA.

Gentlemen,

Downing-street, 29th Dec. 1824.

I ENCLOSE for your perusal, a copy of a document which, on the 26th ultimo, I communicated to the merchants and others who have associated themselves together as a company for settling certain lands in the province of *Upper Canada*. From this document you will learn what are the nature of the arrangements into which I have entered with the proposed company. Especially, you will perceive that it has been determined to appoint five commissioners who are to proceed to the province, there to make a valuation of the lands which the company are to purchase. You have been selected to be commissioners for this purpose, and therefore in pursuance of the arrangement with the proposed company, I proceed to give you such instructions as appear necessary for your guidance in the execution of the trust committed to you.

1st.—You will proceed with all convenient dispatch to the province of *Upper Canada*, and on your reaching the town of York, you will report your arrival to the lieutenant-governor, or officer administering the government.

2d.—You will receive from the lieutenant governor a commission under the great seal of the province, authorizing you to execute the duties of your office; and so soon as you have received that commission, you will enter upon the discharge of those duties.

3rd.—You will also receive from the lieutenant-governor, commissions to act throughout the province as justices of the peace; you will however distinctly understand that you are to be invested with that character merely with the view of promoting the objects of your commission, and therefore you will entirely abstain from exercising your powers as magistrates, except when it may be necessary to make those powers subservient to the due execution of your office as commissioners.

4th.—You will receive from the lieutenant-governor, and all His Majesty's civil and military officers in the province, such co-operation and assistance as they may be able to render. Especially, directions will be given to the proper departments of the colonial government, to lay before you all public maps, charts, surveys or admeasurements of the several districts and townships in the province, with all other documents in the charge of any of those departments from which any useful information can be derived.

INTENDED ARRANGEMENTS.

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derived, respecting the topography of the province ; the natural or artificial divisions of it ; the value of lands throughout the several districts ; or respecting any other subject which it may be necessary for you, in your character of commissioners, to investigate.

5th.—You will be allowed to take copies of any of the maps, charts, surveys or documents mentioned in the preceding paragraph ; but you will consider yourselves as receiving such copies under a strict obligation not to communicate them to any persons, nor to permit transcripts to be made from them, either for the use of others or for your own use, after your public duties have terminated. Before the commission is actually closed, you will return all documents of this nature in your possession, to the various public departments from which you may have received them. You will, however, consider yourself at liberty, in making the report subsequently mentioned, to annex to it any copies of or extracts from any of the said documents above-mentioned, which may seem to you necessary to elucidate such your report.

6th.—His Majesty's civil and military officers in the province, will further be required to communicate to you all such information connected with the object of the mission, as their personal knowledge may enable them to afford, with the exception only of such matters as they may consider themselves bound under any obligation of official confidence and secrecy to conceal. Whatever official communication may take place between yourselves and any of the public departments of the province, will pass through the medium of the lieutenant-governor, whom you will, in every such instance, request to transmit your inquiries to the subordinate officers of government, and through whom answers to such inquiries will be communicated to you.

7th.—In the execution of the duties of your commission, you will understand that you are not separately and individually to represent the particular party by whom you are appointed, so as to consider yourselves as agents deputed to protect and promote the interest of either party as opposed to that of the other ; but you will all regard yourselves as impartial arbitrators, and as bound without affection or favour to make an equal and impartial award upon the questions submitted to your decision.

8th. For maintaining order and regularity in the performance of your duties, and to obviate doubts and misconception as to the effect and nature of your proceedings, you will, from the day on which you receive your commission, keep a regular journal of all your public transactions. In this journal will be entered,—1st, a minute of all deliberations held, and of all resolutions adopted at any meeting of the commissioners. 2d. A minute of every material occurrence which may happen in the execution of your duties. 3d. If any one or more of the commissioners shall dissent from any resolution of the majority, and shall conceive that the subject in controversy is of adequate importance, he will be permitted to enter upon the journal a minute containing the grounds and reasons of his dissent.

9th.—A meeting of the commissioners will be held once at the least in every two weeks, when the minutes of the proceedings at their last meeting, and of all subsequent transactions, will be read over and confirmed or corrected, as may be necessary ; all the commissioners will subscribe their names to the minutes when ultimately confirmed, to obviate any dispute respecting their authenticity.

10th.—You will correspond officially with this department only. Every such communication will, by this department, be transmitted to the office of the company in London, for the information of the directors, and all official communications which I may have occasion to make to you, will also be previously communicated to the directors. All official communications from you to this department, must be made in the name and on behalf of the commissioners in general, and signed by the senior commissioner. If any one or more of the commissioners should think it right to make any official communication in which the rest refuse to concur, he will be at liberty to do so ; upon condition, however, that before it is actually transmitted to England, it be entered upon the journals, for the perusal and consideration of the other members. No attention will be paid to any official communication which may be transmitted to this department, in violation of this regulation. All official communications from this department must be entered at length upon the journal.

11th.—In the event of the illness of any commissioner, or any other occurrence which for a time may prevent his attending to the duties of his office, the rest of the body will proceed in the execution of the commission, postponing, however, the adoption of any formal resolutions until the whole body can re-assemble and act together. The commissioners at large will not be considered as assenting to or bound by any act or resolution, which is not done or entered into, or subsequently approved, at a meeting at which you shall all be present, nor unless at such meeting, three at least of the commissioners concur in the vote for doing, entering into, or approving such act or resolution.

12th.—At every meeting of the commissioners, the senior commissioner will preside as chairman. The secretary to the commission will be charged with the duty of giving to the commissioners a written notice of the time and place at which every meeting is to be held.

13th.—The written arrangement between this department and the proposed company, has defined the nature of the duties which you are to perform, and has settled, as accurately as possible, the principles by which you are to be guided in performing them. Upon that subject, therefore, I have only to refer you for your guidance to that document.

14th.—When you have completed your valuation of the lands to be purchased by the company, you will draw up a written report, stating with all practicable precision, what are the particular lands in each township which are to be sold to the company, and stating the average price which such lands are to bear; such average being calculated in the manner and upon the principles mentioned in the annexed minutes of the arrangement with the *Canada* company; any such report being approved by the majority of your members, at a meeting at which you are all present, must be adopted by you all; and you will then cause three copies of it to be engrossed on parchment, and signed and sealed by each of you. One copy of this report, together with your original journal, you will transmit to this department; another copy of your report will be sent to the office of the company in London, and the third to the lieutenant-governor of the province. You will make this report, before you quit *Upper Canada*, and having made it, you will consider your commission as closed.

I have the honour, &c.

(L.S.) BATHURST.

To

Lieutenant-Colonel Francis Cockburn,
Simon M^cGillivray, Esquire,
Lieutenant-Colonel Sir John Harvey, K. C. H. C. B.
John Galt, Esquire, and
John Davidson, Esquire.

Colonial Department,
14th April 1825.

R. J. Wilmot Horton.

CANADA COMPANY.

MINUTES

OF THE

Intended Arrangements between Earl Bathurst,
His Majesty's Secretary of State, and the
proposed CANADA COMPANY.

Ordered, by The House of Commons, to be Printed,

15 *April* 1825.

CANADA.

I.

COPIES OF THE REGULATIONS
LATELY ADOPTED IN THE CANADAS FOR GRANTING
WASTE LANDS IN THESE PROVINCES.

II.

RESPECTING THE CLERGY RESERVED LANDS
IN CANADA.

Ordered, by The House of Commons, to be Printed,
9 April 1827.

I.

Return to an Address of The Honourable House of Commons,
dated 20th February 1827;—*for*

Copies of the REGULATIONS lately adopted in the Canadas, for granting Waste Lands in these Provinces, with the Specification of Rates of Fees, and the Forms requisite on obtaining a Grant of Waste Land; together with an Account of the quantity of Land sold to the Canada Company, with the amount of Money received from them, and to be received.

II.

Return to an Address of The Honourable House of Commons,
dated 16th March 1827;—*for*

Copy of the Address of the House of Assembly of Upper Canada to His Majesty, on the subject of the CLERGY RESERVED LANDS in that Country, and a Copy of Earl Bathurst's Answer thereto; also, a Copy of the Resolutions of the House of Assembly, on 21st December 1826, respecting the CLERGY RESERVED LANDS.

Colonial Department, }
Downing-street, }
6th April 1827. }

R. J. WILMOT HORTON.

I.

REGULATIONS

FOR GRANTING LANDS IN THE BRITISH NORTH AMERICAN PROVINCES.

FOR the information of Persons desirous of proceeding as Settlers to His Majesty's Provinces in North America, the following summary of the Rules which have been established for the future regulation of Grants of Land, has been prepared by direction of the Earl Bathurst, His Majesty's Principal Secretary of State for the Colonial Department:

The Commissioner of Crown Lands will, from time to time, and at least once in every year, submit to the Governor a Report of the total quantity of each district of Crown property, so far as he may then have ascertained the same, together with his opinion of each description of property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which he would recommend the several descriptions of property to be offered, provided that the land proposed to be offered for sale does not contain any considerable quantity of timber fit for His Majesty's navy, or for any other purposes, it being the intention that no Grant of the Land upon which such timber may be growing should be made until the timber is cleared.

If the Governor should be pleased to sanction the sale of the whole or any part of the land recommended to be sold at the upset price proposed, or at any other price which he may name, the Commissioner of Crown Lands will proceed to the sale in the following manner:

He will give public notice in the Gazette, and in such other newspaper as may be circulating in the Province, as well as in any other manner that circumstances will admit of, of the time and place appointed for the sale of the lands in each district, and of the upset price at which the lots are proposed to be offered; that the lots will be sold to the highest bidder, and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres.

The purchase money will be required to be paid by four instalments, without interest; the first instalment at the time of the sale, and the second, third and fourth instalments, at intervals of a year.

If the instalments are not regularly paid, the deposit money will be forfeited, and the land again referred to sale.

Purchasers of land at any sale, not exceeding two hundred acres, being unable to advance the purchase money by instalments, as proposed, the Commissioner may permit the purchaser to occupy the same upon a quit rent, equal to five per cent upon the amount of the purchase money; one year's quit rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards. Upon the failure of the regular payment, the lands to be again referred to auction and sold. The quit rent upon lands so purchased in this manner to be subject to redemption, upon payment of twenty years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years amount of quit rent, the same proportion of quit rent to cease.

In case, however, the parties should fail regularly to pay the remainder of the quit rent, the same to be deducted from the instalment paid, and the lands to be re-sold by auction whenever the instalment may be absorbed by the accruing payment of the remainder of the quit rents.

Public notice will be given in each district, in every year, stating the names of the persons in each district who may be in arrears, either for the instalments of their purchases or for quit rents, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, the lands in respect of

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which the instalments or quit rents may be due, will be the first lot to be exposed to auction at the ensuing sales ; and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

No land will be granted at any other time than at the current sales in each district, except upon application from poor settlers, who may not have been in the colony more than six months preceding the last annual sale. Settlers so circumstanced may be permitted to purchase land, not exceeding two hundred acres each, at the price at which it may have been offered at the last annual sale and not purchased, and may pay for the same, or by quit rent computed at five per cent on the sale price ; and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in distinct districts not surveyed, or in districts in which no unredeemable grant shall have been made, the Commissioner of Crown Lands will, under the authority of the Governor, at any time within a period of seven years from the date hereof, grant permission of occupancy to any such settlers, for lots of land not exceeding two hundred acres, upon consideration that they shall pay a quit rent for the same, equal to five per cent upon the estimated value of the land, at the time such occupancy shall be granted ; and the persons to whom claims of occupation shall be made, shall have liberty to redeem such quit rents at any time before the expiration of the seven years, upon the payment of twenty years purchase of the amount ; and at any time after the termination of the seven years, upon the payment of any arrear of quit rent which may be then due, and twenty years purchase of the annual amount of the rent.

No patent will be granted until the whole of the purchase money shall have been paid, nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit rent shall have been paid.

The purchase money for all lands, as well as the quit rents, shall be paid to the Commissioner of Crown Lands, or to such person as he may appoint at the times and places to be named in the condition of sale.

The average price of land in Upper Canada has been fixed at 4/ currency per acre, which includes the under-mentioned fees to the officers of the Land Granting Department.

ACRES.	SURVEY FEE.	Fee to the Officers Employed in making out the Patent.
	£. s. d.	£. s. d.
100 - - -	1 4 9	2 18 8
200 - - -	1 4 9	2 18 8
300. - - -	1 17 1 ½	2 18 8
400 - - -	2 9 6	2 18 8
500 - - -	3 1 10 ½	2 18 8
600 - - -	3 14 3	2 18 8
700 - - -	4 6 7 ½	2 18 8
800 - - -	4 19 -	2 18 8
900 - - -	5 11 4 ½	2 18 8
1,000 - - -	6 3 9	2 18 8
1,100 - - -	6 16 1 ½	2 18 8
1,200 - - -	7 8 6	2 18 8

EXTRACT of an Agreement between the Earl Bathurst, K. G. and the Directors of the Canada Company, dated Downing Street, 23d May 1826.

—“ IT appearing from the award of the Commissioners that the Clergy Reserves valued by them, comprised eight hundred and twenty-nine thousand four hundred and thirty acres, and those lands being valued at three shillings and sixpence current money of Upper Canada per acre, the Canada Company would have had to pay to His Majesty's government, the sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings, current money of Upper Canada, if those clergy reserves had been conveyed to them. In lieu of the before-mentioned eight hundred and twenty-nine thousand four hundred and thirty acres, His Majesty's government will grant and convey to the Canada Company for the same price of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency, a block of land containing one million of acres in the territory, lately purchased from the Indians in the London and Western districts.

“ One third part of the before mentioned sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency shall be expended by the Canada Company in public works and improvements within the said block of land, and the remaining two third parts only of the said sum of one hundred and forty-five thousand one hundred and fifty pounds five shillings currency shall be actually paid to His Majesty's government.”

“ The block of one million acres of land to be allotted to the Company shall be selected by them from such part of the lands lately purchased from the Indians as are situate in the London and Western districts. The block shall be marked out by the surveyor general, or his deputies, and shall approximate to the form of some regular mathematical figure, as nearly as may be, consistently with preserving any well defined natural land marks or boundaries.”

“ The Company shall be allowed sixteen years, to commence from the first of July 1826, for the fulfilment of their contract with His Majesty's government.

“ In substitution for the provisions contained in the minutes of the agreement respecting the mode of paying the purchase money to His Majesty's government, it is agreed, that the Company shall pay, in the year commencing the first of July 1826, and ending the first of July 1827, twenty thousand pounds ; in the year ending the first of July 1828, fifteen thousand pounds ; in the year ending the first of July 1829, fifteen thousand pounds ; in the year ending the first of July 1830, fifteen thousand pounds ; in the year ending the first of July 1831, sixteen thousand pounds ; in the year ending the first of July 1832, seventeen thousand pounds ; in the year ending the first of July 1833, eighteen thousand pounds ; in the year ending the first of July 1834, nineteen thousand pounds ; in the year ending the first of July 1835, twenty thousand pounds ; and in each of the seven succeeding years the like sum of twenty thousand pounds.

“ The sums above mentioned are the amount of what the Canada Company is actually to pay to His Majesty's government, and do not include the sums which they are to invest in public works and improvements in the block of land in the London and Western districts.

“ The preceding sums are the greatest amount which in each of the years above mentioned the Canada Company shall be obliged to pay to His Majesty's government ; but this arrangement is not to prejudice the rights of the Company to lay out any greater sums of money in any of those years, according to the terms of the original contract.

“ In the year ending the first of July 1843, the Company shall either take up on the terms already stated all the lands then remaining to be taken up, or shall terminate the contract, and abandon all claim to such lands as have not at that time been taken up by them.

II.

CLERGY RESERVED LANDS.

Copy of the Address of the House of Assembly of Upper Canada to His Majesty, on the subject of the Clergy Reserved Lands in that Country, and a Copy of Earl Bathurst's Answer thereto;—also, a Copy of the Resolutions of the House of Assembly, on 21st December 1826, respecting the Clergy reserved Lands.

To the KING's Most Excellent Majesty.

May it please Your Majesty,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in provincial parliament assembled, most humbly beg leave to approach Your Majesty, to express our sentiments on a subject of deep interest to Your faithful subjects of Upper Canada. We perceive by the provisions of an Act passed during the last session of the Imperial Parliament, that Your Majesty is empowered to order the appropriation of a further allotment of land within this province for the support and maintenance of a Protestant Clergy, in lieu of that portion of the lands already set apart for the purpose (called the Clergy Reserves), which has lately been or is about to be sold to the Canada Land Company; we would most reluctantly appear to Your Majesty as unfriendly to the cause of religion; but when we consider that one-seventh of all the surveyed lands within this province is already, by an Act passed in the thirty-first year of the reign of his late Majesty, applied to that object, and are of opinion, that the extent of the present reservation is injurious to the prosperity of the colony, we feel a strong desire that no further appropriation may be made, but that Your Majesty will be graciously pleased to submit to Your Parliament the expediency of repealing so much of the late Act as permits the said further allotment.

We further most humbly represent, Most Gracious Sovereign, that the lands set apart in this Province, for the maintenance and support of a Protestant Clergy, ought not to be enjoyed by any one denomination of Protestants, to the exclusion of their christian brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled as dutiful and loyal subjects, to the protection of Your Majesty's benign and liberal government; we, therefore, humbly hope it will, in Your Majesty's wisdom, be deemed expedient and just, that not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the christian religion generally, and the happiness of all Your Majesty's subjects, of whatever denomination, or if such application or distribution should be deemed inexpedient, that the profits arising from such appropriation should be applied to the purposes of education, and the general improvement of this Province.

(signed) *John Willson*, Speaker.

Commons House of Assembly,
27th January 1826.

(Copy.)

Sir,

Downing-street, 11th June 1826.

I HAVE laid before the King the address of the Legislative Assembly of Upper Canada, praying that His Majesty would be graciously pleased to submit to Parliament the propriety of repealing so much of the Act of 6 Geo. IV. c. 75, as permits the appropriation of lands in lieu of the Clergy Reserves, I have received
His

IN UPPER CANADA.

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His Majesty's commands to acquaint you, that he is persuaded the House of Assembly would never have concurred in this address if they had been apprized of the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves, specially allotted by the Imperial Parliament for the Established Church.

I have, &c.

(signed) *Bathurst.*

M. Gen^l Sir P. Maitland, K. C. B.
&c. &c. &c.

The Resolutions of the House of Assembly, on the 21st of December 1826, respecting the Clergy Reserved Lands, have not yet been received at the Colonial Office.

CANADA.

I.

COPIES OF THE REGULATIONS

lately adopted in the Canadas for granting Waste
Lands in these Provinces.

II.

RESPECTING THE CLERGY RESERVE
LANDS IN CANADA.

*Ordered, by the House of Commons, to be Printed,
9 April 1827.*

CANADA.

Return to an Address of The Honourable House of Commons to His Majesty,
dated 13 March 1827 ;—*for*

A RETURN

Of the Population of Upper and Lower Canada, at the latest Census taken,
distinguishing each, and stating the number of Catholics, Presbyterians,
and Members of the Church of England, and also of all other Religious
Persuasions ; as far as the same can be complied with.

THE DOCUMENTS in the Office of the Secretary of State for the
Colonial Department, do not afford the means of furnishing the Information
required in the Address above-mentioned.

Colonial Department, }
1st May 1827. }

R. J. WILMOT HORTON.

CANADA.

Return to an Address of The Honourable House of Commons
to His Majesty, dated 13th March 1837 ;—for

A RETURN

Of the Population of Upper and Lower Canada, at
the latest Census taken, distinguishing each, and
stating the number of Catholics, Presbyterians,
and Members of the Church of England, and also
of all other Religious Persuasions ; as far as the
same can be complied with.

Ordered, by The House of Commons, to be Printed
1 May 1837.

PROPAGATION OF THE GOSPEL,

(NORTH AMERICA.)

COPY OF

A MEMORANDUM transmitted to Viscount *Goderich* by the Rev. *A. Hamilton*, Secretary of the Society for the Propagation of the Gospel in Foreign Parts, dated 16th May 1827, with Tables, in reference to the state of the Church in the *North American Colonies*, in the Year 1824.

Colonial Department,
Downing-Street, 22 May 1827. }

R. J. WILMOT HORTON.

Ordered, by The House of Commons, to be Printed, 22 May 1827.

MAY 16th, 1827.

THE BISHOP of *Nova Scotia*, during the last summer, visited the greatest part of his extensive diocese; and reports, that he had travelled by sea and land more than *5,000 miles*; he had consecrated *44 churches* and *35* burial grounds; held *61 confirmations*, at which *4,367 persons* have been confirmed, none of whom were under *16* years of age; and visited every clergyman in *Bermudas, Nova Scotia, New Brunswick, and Prince Edward's Island*.

The number confirmed will appear small in England for the number of confirmations; but the circumstances of the two countries are widely different, as may be easily understood when it is observed, that he has had more than a mile of land for every individual confirmed. At several places the Bishop was induced to repeat the ceremony, more than once on the same day, as the time of his arrival being necessarily uncertain, those who are desirous of participating in that holy rite, which specially marks them as members of the Church of England, were unable to attend at the hour appointed; and notwithstanding the Bishop's readiness to devote every hour to the business of his visitation, great numbers were disappointed, on account of the distance at which they resided, and the difficulty of communication.

Extract from the Bishop of Nova Scotia's Letter, dated
April 9th, 1827.

“ THE urgent want of 14 additional Missionaries in Nova Scotia, viz. *two* in the neighbourhood of Lunenburg, and *one* in each of the following stations; neighbourhood of *Chester, Liverpool, Clements*, upper part of *Grenville, Wilmot, Amherst, Rawdon, Guysboro, Picton, Sackville, Arechet*, and a visiting Missionary in *Cape Breton*, has been pointed out. *Nine* are also required in *New Brunswick*, viz. at *Woodstock, Prince William, and Queensbury, Grand Lake, Long Island, St. John, Springfield, West Isles, Westmoreland and Shediac*. *Four* are equally wanted in Prince Edward Island, two for *Charlotte Town* and its neighbourhood, one for *Crappran*, and *one* for *George Town*, or rather Three Rivers; and *six* at least will, I am satisfied, be required for Newfoundland.”

Thus *thirty-three* additional Missionaries are immediately and earnestly required for this diocese, besides *four* clergymen and *ten* superior schoolmasters for the Negroes in the Bermudas, which do not so immediately come into the view of the Society.

When the limited means of the Society are considered, which are sadly disproportioned to their benevolent inclinations, this view of our wants is appalling.

May God in his great mercy abundantly strengthen their hands, and put it into the hearts of those who have the ability, to unite in this great and good work !

The Tables which accompany this very imperfect view of the diocese of Nova Scotia and Quebec, will exhibit a list of *sixty-eight* churches in the former diocese and *seventy-six* in the latter. These documents were delivered in the year 1824, since which period great additions have been made to the number of edifices for public worship, and also of ministers of religion.

The erection of these buildings is a satisfactory proof how far the inhabitants of the colonies value the services of the Church, and give a preference to her ordinances over those which are so officiously tendered to them by sectarian teachers.

The greater part of the charge devolves upon the poor settlers themselves, who, notwithstanding their most unwearied exertions are required for the maintenance of themselves and families, have set apart some portion of their scanty resources to enable them to avail themselves of the occasional ministry of any clergyman who may have it in his power to visit them.

The following Extract from Bishop Inglis's Report, will exhibit a proof of this prevalent feeling :

“ On Monday, 6th June, I proceeded with Mr. Shreve to Sherbrook, a new settlement of disbanded soldiers, in the midst of the forest, *twenty* miles from the church at Chester, and visited once in every month by Mr. Shreve. The road at present is only fit for a horse.

Here I was greatly gratified and surprised by the rapid improvement which in ten years had formed this place into a beautiful settlement.

When Mr. Shreve first proposed building a church in this place a few years ago, I considered the attempt romantic; and fearing a total failure, I discouraged

couraged the undertaking. He was however better acquainted with the zeal of these poor settlers, and persevered. The result is, that with the assistance of £.150. from several quarters, an uncommonly neat church, beautifully situated on a hill, is completely finished and painted, with the exception of the pews, which are yet to be made."

The average expense of these buildings may be calculated to vary from £.400. to £.800. according to their dimensions. Sir T. Cochrane, the Governor of Newfoundland, in his dispatch to Earl Bathurst, states that in many instances the *people have been known to give one half of their all* to make suitable preparations for the occasional visit of a clergyman. Sir Thomas has strongly recommended the addition of six Chaplains to the Clerical Establishment of the Island, and the erection of a second Church at St. John's, where at present there is only one for the accommodation of nearly 12,000 Inhabitants.

Many years since, Sir P. Maitland reported, that thirty additional Missionaries would find ample employment for their best exertions in the Province of Upper Canada alone; and the latest accounts from the Bishop of Quebec, contain the strongest representations upon the importance of sending further assistance to the spiritual wants of the people in Lower Canada, where at present most of the missionaries have a sphere of duty, embracing a circuit of not less than *forty or fifty* miles.

(signed) *Anthony Hamilton.*

1824.

CHURCHES IN THE PROVINCE OF NOVA SCOTIA.

NAME AND PLACE.	NOW BUILT.	NOW BUILDING.	NOW WANTED.
Amherst - - -	1	-	-
Annapolis - - -	1	- - -	1
Antigonish - - -	1	-	-
Aylesford - - -	1	-	-
Chester - - -	1	-	-
Clements - - -	1	-	-
Cole Harbour - - -	- - -	- - -	1
Cape Breton - - -	1	- - -	2
Cornwallis - - -	1	- - -	1
Dalhousie - - -	- - -	- - -	1
Dartmouth - - -	1	-	-
Digby - - -	1	-	-
Falmouth - - -	1	-	-
Granville - - -	3	-	-
Guysboro - - -	1	-	-
Halifax - - -	2	- - -	1
Horton - - -	1	-	-
Kennet Cook, or Douglas - - -	- - -	- - -	1
Liverpool - - -	1	-	-
Lunenburg - - -	1	-	-
Margarets Bay - - -	- - -	1	-
Musquedoboit - - -	- - -	1	-
New Dublin - - -	- -	1	-
Newport - - -	1	-	-
Parrsboro' - - -	1	-	-
Picton - - -	- - -	1	-
Forwarded - -	22	4	8

THE NORTH AMERICAN COLONIES.

5

NAME OF PLACE.	NOW BUILT.	NOW BUILDING.	NOW WANTED.
Brought forward	22	4	8
Porter's Lake - - -	- - -	1	-
Preston - - -	- - -	1	-
Rawdon - - -	1	-	-
Rimshey - - -	- - -	1	-
River John - - -	- - -	- - -	1
Sackville - - -	1	-	-
Sheet Harbour - - -	- - -	- - -	1
Shelbourne - - -	1	-	-
Sherbrooke - - -	- - -	1	-
Tracadie - - -	1	-	-
Truro - - -	1	-	-
Weymouth - - -	1	-	-
Wilmot - - -	1	-	-
Windsor - - -	1	-	-
Yarmouth - - -	1	-	-
TOTAL - - -	31	8	10

Of the above Churches no more than 5 were built when a Bishop was first sent to Nova Scotia in 1787.

CHURCHES.

	N° of CHURCHES.
Nova Scotia - - - - -	40
New Brunswick - - - - -	26
Prince Edward's Island - - - - -	2
Upper Canada - - - - -	46
Lower Canada - - - - -	30
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PROPAGATION OF THE GOSPEL,
(NORTH AMERICA.)

COPY OF

A MEMORANDUM transmitted to Viscount
Goderich, relative to the State of the English
Church in the *North American Colonies*.

*Ordered, by The House of Commons, to be Printed,
22 May 1827.*

CANADA
CHURCH ESTABLISHMENT.

COPY OF

A LETTER addressed to *R. J. Wilmot Horton, Esq.* by the Rev. Dr. STRACHAN, Archdeacon of *York, Upper Canada*, dated 16th May 1827; respecting the State of the Church in that Province.

Colonial Department,
Downing Street, 22 May 1827. }

R. J. WILMOT HORTON.

Ordered, by The House of Commons, to be Printed, 22 May 1827.

19, Bury-street, St. James's, 16th May 1827.

SIR,

I TAKE the liberty of enclosing for the information of Lord Goderich, an Ecclesiastical Chart of the Province of *Upper Canada*, which I believe to be correct, for the present year 1827, and from which it appears that the Church of England has made considerable progress, and is rapidly increasing.

The people are coming forward in all directions, offering to assist in building churches, and soliciting with the greatest anxiety the establishment of a settled minister; indeed the prospect of obtaining a respectable clergyman unites neighbourhoods together, and when one is sent of a mild conciliatory disposition, he is sure, in any settlement in which he may be placed, to form the respectable part of the inhabitants into an increasing congregation. There are in the province 150 townships, containing from 40 to 500 families, in each of which a clergyman may be most usefully employed; and double this number will be required in less than twelve years.

When contrasted with other denominations, the Church of England needs not to be ashamed of the progress she has made. Till 1818 there was only one clergyman in Upper Canada, a member of the Church of Scotland. This gentleman brought up his two sons in the Church of England, of which they are now parish priests. After his death his congregation was split into three divisions, which with another collected at Kingston in 1822, count four congregations in all, which are in communion with the Kirk of Scotland. Two are at present vacant, and of the two Scotch clergymen now in the province, one has applied for holy orders in the Church of England.

The teachers of the different denominations, with the exception of the two ministers of the Church of Scotland, four congregationalists, and a respectable English missionary who presides, of a Wesleyan Methodist Meeting at Kingston, are for the most part from the United States, where they gather
378. their

their knowledge and form their sentiments; indeed the Methodist teachers are subject to the orders of the Conference of the United States of America, and it is manifest that the Colonial Government neither has nor can have any other control over them, or prevent them from gradually rendering a large portion of the population, by their influence and instruction, hostile to our institutions, both civil and religious, than by increasing the number of the established Clergy. Two assertions have been made respecting the Church of England in Upper Canada, which, if correct, ought certainly to have considerable influence. First, that her Clergymen have no congregations. Now I affirm from personal knowledge, that in the 58 places where regular or occasional service is performed, numerous and respectable congregations assemble. The second assertion is, that in the House of Assembly, consisting of 44 members, only two belong to the Church of England. Now the fact is, that 18 out of the 44 profess to be of the Church of England, for the truth of which I pledge myself, and can, if necessary, furnish the names; the remaining 26 are of various denominations, but certainly not more than three or four Scotch Presbyterians.

The Church of England in Canada, was supported for many years out of the very limited and fluctuating revenue of the venerable Society for Propagating the Gospel in Foreign Parts, which did its utmost to increase the number of the clergy, but its means were so inadequate to the demand, that it was at length obliged to solicit the aid of government to continue and extend its efforts, accordingly a small sum, in aid of its funds, has been for some years voted by the Imperial Parliament, of which Upper Canada receives a portion. How inefficient this aid is to supply the increasing necessities of the colony has been sufficiently shown, for the tendency of the population is towards the Church of England, and nothing but the want of moderate support prevents her from spreading over the whole province.

But it may be asked, why do not the Clergy Reserves afford a remedy?

To make the answer to this question intelligible, a few remarks are necessary.

By the 31st of George the 3d, c. 31. one-seventh of the land in Upper Canada is reserved for the maintenance of a Protestant Clergy; the operation of which provision offers at this time the following results:—The number of townships actually surveyed may be taken at 240, averaging 66,000 acres, one-seventh of which, 9,428, equal 47 reserved lots of 200 acres each, consequently the number of such lots, in 240 townships, is about 11,000, containing $2\frac{1}{2}$ million of acres.

But as these lands partake of the quality of those around them, many lots will be found, from various causes, unfit for cultivation, so that the number eligible for settlement cannot be taken at more than 9,000, containing 1,800,000.

That this provision will at no time be ample for the support of a religious establishment sufficient for the population of Upper Canada when fully settled, will sufficiently appear from the fact, that the whole surface of the colony does not exceed 31 millions of acres, of which not more than 26 are capable of cultivation; one-seventh of this, containing 3,760,000 acres, or 18,800 reserved lots of 200 acres each, will ultimately constitute the whole property set apart for the maintenance of a Protestant clergy. Now, judging from what takes place in the United States, each lot will not produce in a century an average rent of £. 20. per annum, making a total of no more than £. 376,000. which, divided among two thousand clergymen (a very small number for a country nearly as large as England) gives only £. 188. to each.

Hitherto

IN THE PROVINCE OF UPPER CANADA.

3

Hitherto the reserved lands have been inefficient from causes now very obvious, though not perhaps anticipated by the distinguished statesman who advised the appropriation.

These causes are—

- 1.—The great encouragement given by government to settlers of good character, by bestowing on them land on payment of a trifling fee.
- 2.—The gratuitous grants of land made to such persons as retained their loyalty during the American revolutionary war, and to officers, soldiers and sailors who served in the late war in Europe and America.
- 3.—The preference given by the colonists to lands in fee-simple to leases, even where the latter are more advantageous.
- 4.—The difficulty of collecting rents, from the smallness of the amount charged in each lot, and from being scattered over the whole province.
- 5.—So long as applicants can get lands of the best quality and in the most convenient situations for nothing, or a mere trifle, the natural consequence is, that rent of lands upon lease is almost nominal.

In regard to the gross rental of the leased lots, it amounts to about £. 1,200. per annum, and was for a long time swallowed up by the expense of making out the leases necessary to convey the title to the applicant; and though this item of expense has been removed, it is still reduced by the and per centage of the sheriffs, who are employed to collect it, from persons scattered over a surface of nearly 40,000 square miles, so that the net sum actually paid over to the treasurer does not much exceed £. 400. per annum.

These things pressing forcibly on the minds of the Lord Bishop of Quebec and his Clergy, and on the Lieutenant Governor of Upper Canada and his Council, induced them to seek the power of selling the Clergy Reserves to a limited extent, as well as leasing them, leaving the proceeds to be disposed of as provided for in the 31 Geo. 3. c. 31. and this is the object of the Bill before Parliament.

From this measure they look for many important advantages :—

- 1.—A large portion of the country, now in a manner locked up, would be made free.
- 2.—The lessees would be more punctual in paying their rents, for fear of losing any claim to renewal or advantageous purchase.
- 3.—The means would be afforded of multiplying clergymen to any number that might be required.
- 4.—The popular objection against the reserves, as a barrier to improvement and internal communication, would in a great degree be removed.
- 5.—The Imperial Parliament would in a few years be relieved from the annual grant, in aid of the Society for Propagating the Gospel in Foreign Parts, in as far as respects Upper Canada.
- 6.—Two or three hundred clergymen living in Upper Canada, in the midst of their congregations, and receiving the greater portion of their income from funds deposited in this country, must attach still more intimately the population of the colony to the parent state. Their influence would gradually spread. They would infuse into the inhabitants a tone and feeling entirely English; and acquiring by degrees the direction of education which the Clergy of England have always possessed, the very first feelings, sentiments and opinions of the youth must become British.

I have, &c.

(signed) *John Strachan.*

4 STATE OF THE CHURCH ESTABLISHMENT

ECCLESIASTICAL CHART for the Province of UPPER CANADA;
For 1827.

I.—THE ESTABLISHED CHURCH.

DISTRICTS.	CLERGYMEN.	TOWNSHIPS.	CHURCHES Built or Building.	SERVICE.
Eastern District	Rev. S. J. Mountain	Cornwall - -	neat Church -	Regular.
	Rev. J. G. Weagart	Williamsburgh -	small Church -	Regular.
		Osnaburgh - -	small Church -	Regular.
		Matilda - -	- - - -	occasional.
Johnston District	Rev. F. Myers -	Edwardsburgh -	small Church -	Regular.
	Rev. Mr. Blakey -	Prescott - -	neat Church -	Regular.
	Rev. John Wenham	Brockville - -	Church - -	Regular.
	Rev. Mr. Elms -	Bastard - -	small Church -	Regular.
Bathurst District	Rev. Mr. Harris -	Younge - -	- - - -	occasional.
		Perth - -	Church building	Regular.
		Lanark - -	- - - -	occasional.
	Rev. Mr. Burns -	Richmond - -	Church building	Regular.
Midland District	Archdeacon Stuart	Kingston - -	Church - -	Regular.
	Chaplain to the Navy	Navy Point - -	Church building	Regular.
		Waterloo - -	- - - -	occasional.
	Rev. J. Stoughton	Bath - -	Church - -	Regular.
		Napane Mills -	- - - -	occasional.
		Fredericksburgh	Church building	occasional.
	Rev. Job Deacon -	Adolphus Town -	Church - -	Regular.
	Rev. Thos. Campbell	Hollowell - -	Church building	occasional.
Rev. Mr. Grier -	Belville - -	Church - -	Regular.	
Newcastle Dis- trict.	Rev. Wm. Macauley	Head of the Bay	Church - -	Regular.
		Indian Village -	Church - -	occasional.
		Haldemand - -	- - - -	occasional.
	Rev. Mr. Armour -	Cobourgh - -	Church - -	Regular.
		Peterborough -	- - - -	Regular.
		Porthope - -	Church - -	occasional.
Home District	Rev. J. Thompson	Cavan - -	Church - -	Regular.
		Whitby - -	- - - -	occasional.
		Archdeacon Strachan	York - -	Church - -
	Dr. Phillips - -	Younge Street -	Church - -	occasional.
	Dr. Tunny - -	Purdys Mills -	Church building	occasional.
		Newmarket - -	Church building	occasional.
Gore District	Clergyman a Luthe- ran, now under con- sideration - -	Markham - -	Church - -	Regular.
		Etobicoke - -	Church built -	occasional.
		Toronto - -	Church building	occasional.
	Rev. R. Leeming -	Ancaster - -	Church - -	Regular.
		Burton - -	Church - -	Regular.
		Dundass - -	- - - -	occasional.
Woolwich - -		Church - -	occasional.	
Niagara District	Alexander Bethune	Indian Village -	Church - -	occasional.
		Grimsby - -	Church - -	Regular.
		Niagara - -	Church - -	Regular.
	Rev. Mr. Creen -	Queenston - -	Church - -	Regular.
	Rev. Mr. Leeds -	St. Catherine -	Church - -	occasional.
	Wm. Leeming -	Cheppawa - -	Church - -	Regular.
		Short Hills - -	- - - -	occasional.
		Fort Erie - -	Church - -	Regular.
London District	Long Point - -	Church building	occasional.	
		Indian Village -	- - - -	occasional.
		Kettle Creek -	Church - -	Regular.
	Rev. Mr. M'Intosh	Port Talbot - -	- - - -	occasional.
	London - -	Church building	occasional.	
River Thames -	- - - -	occasional.		
Western District	Rev. Mr. Short -	Sandwich - -	Church - -	Regular.
		Chatbam - -	Church - -	Regular.
	Mr. Rolph - -	Amherstburgh -	Church - -	Regular.
		New Settlement -	Church - -	occasional.
Total - -	30 Clergymen, and one Lutheran under consideration.	58 places where there is regular or occasional ser- vice, exclusive of frequent journeys taken by the Mis- sionaries to the New Settle- ments in their neighbour- hood.	45 Churches—10 of them building, and others com- mencing at most of the places where occasional service is performed.	31 Regular Parishes—27 Service occa- sionally.

The Ecclesiastical Chart—continued.

II.—MINISTERS OF THE INDEPENDENT OR PRESBYTERIAN ORDER.

And assuming the Appellation of the Presbytery of the Canadas, but having no Connection with the Kirk of Scotland.

PLACES OF RESIDENCE.	CLERGYMEN.	
Osnaburgh—Eastern District -	The Rev. J. Johnston -	{ Educated principally at Glasgow, ordained in Ireland by the Synod of Ulster, preaches at Cornwall and Osnaburgh, Eastern District.
Brockville—Johnston District	The Rev. Wm. Smart -	{ Sent out to this country as a Missionary by some Society in London, settled at Brockville, Johnston District, said to be an excellent young man.
Perth—Bathurst District -	The Rev. Wm. Bell -	{ Educated in Scotland, ordained among the Dissenters from the Established Kirk, settled at Perth, in Bathurst District.
Bay of Quinty—Midland District	The Rev. Rt. M'Duall	{ Ordained in the United States, settled in the Bay of Quinty, Midland District, has resided in the Province many years.
York—Home District - -	The Rev. James Harris	{ Educated principally at Glasgow, admitted a Licentiate by the Synod of Ulster.
Markham—Home District -	The Rev. Wm. Jenkins	{ Ordained in the United States for the purpose of residing among the Indians, came lately into the Province and settled in Markham.

III.—MINISTERS IN COMMUNION WITH THE KIRK OF SCOTLAND.

PLACES OF RESIDENCE.	CLERGYMEN.	
Williamstown—Eastern District	The Rev. John M'Kensie	{ Has been about eight years in the Province, and is settled at Williamstown as Minister of a part of the late Rev. John Bethune's congregation.
District -	The Rev. John M'Laurie	{ Has been about seven years in the Province and is situated at Lochiel, is Minister of another part of the late Rev. J. Bethune's congregation.
Cornwall—Eastern District -	Vacant.	
Kingston—Midland District -	Vacant.	

AS the METHODISTS have no settled Clergyman, it has been found difficult to ascertain the number of Itinerants employed, but it is presumed to be considerable, perhaps from twenty to thirty in the whole Province; one from England, settled at Kingston, appears to be a very superior person. The other denominations have very few teachers, and those seemingly very ignorant; one of the two remaining Clergymen in communion with the Church of Scotland has applied to be admitted into the Established Church.

CANADA
CHURCH ESTABLISHMENT.

COPY OF A LETTER

Addressed to R. J. Wilnot Horton, Esq. by the
Rev. Dr. Strachan; respecting the State of the
Church in the Province of Canada.

Ordered, by The House of Commons, to be Printed,

22 May 1827.

NEWFOUNDLAND TRADE.

A R E T U R N

Of the Number of VESSELS cleared from Ports of the United Kingdom, for the Island of *Newfoundland* and Coast of *Labrador*, during the Years 1824, 1825, and 1826 ;—and also, the Number of Vessels entered from the Island of *Newfoundland* and Coast of *Labrador*, during these Years ; distinguishing the Ports of Clearance and Entry, the Tonnage, and Number of Men.

Ordered, by The House of Commons, to be Printed,
27 February 1827.

A RETURN of the Number of VESSELS cleared from Ports of the United Kingdom, for the Island
Number of Vessels entered from the Island of *Newfoundland* and Coast of *Labrador*, during these

				ISLAND OF					
				1824.					
				Cleared for.			Entered from.		
				Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
Ports of GREAT BRITAIN,									
London	-	-	-	20	2,834	156	7	1,057	51
Liverpool	-	-	-	97	14,049	878	41	4,599	288
Bristol	-	-	-	21	2,422	138	16	1,937	103
Newcastle	-	-	-	6	1,038	52	-	-	-
Sunderland	-	-	-	2	317	17	-	-	-
Dartmouth	-	-	-	24	1,921	163	21	2,258	159
Plymouth	-	-	-	7	651	41	3	213	19
Poole	-	-	-	66	8,807	540	57	7,365	470
Exeter	-	-	-	15	1,283	105	9	694	53
Falmouth	-	-	-	-	-	-	1	201	12
Newport	-	-	-	4	407	24	-	-	-
Scilly	-	-	-	1	92	6	-	-	-
Grimsby	-	-	-	1	244	13	-	-	-
Hull	-	-	-	-	-	-	-	-	-
Whitehaven	-	-	-	-	-	-	-	-	-
Weymouth	-	-	-	-	-	-	-	-	-
Portsmouth	-	-	-	-	-	-	-	-	-
Greenock	-	-	-	14	2,372	159	9	1,335	88
Dumfries	-	-	-	-	-	-	-	-	-
Ports of IRELAND,									
Belfast	-	-	-	4	466	46	1	72	7
Cork	-	-	-	-	-	-	3	303	17
Dublin	-	-	-	2	251	18	-	-	-
Larne	-	-	-	-	-	-	-	-	-
Limerick	-	-	-	-	-	-	-	-	-
Londonderry	-	-	-	-	-	-	-	-	-
Newry	-	-	-	-	-	-	-	-	-
Sligo	-	-	-	-	-	-	-	-	-
Waterford and Ross	-	-	-	20	2,424	144	14	1,503	93
Ports of ENGLAND,							COAST OF		
London	-	-	-	2	266	18	1	176	12
Dartmouth	-	-	-	4	510	33	4	450	28
Plymouth	-	-	-	1	85	7	-	-	-
Poole	-	-	-	-	-	-	1	67	6
Liverpool	-	-	-	2	186	14	2	166	11
TOTAL				313	40,625	2,572	190	22,396	1,417

* Note :—THERE have not been any Vessels Cleared for, or Entered from,

Office of Reg^r Gen^l of Shipping, }
Custom House, London, }
24th February 1827.

CLEARED FROM THE UNITED KINGDOM.

3

of *Newfoundland* and Coast of *Labrador*, during the Years 1824, 1825, and 1826;—and also, the Years; distinguishing the Ports of Clearance and Entry, the Tonnage, and Number of Men.

NEWFOUNDLAND. ———

1825.						1826.					
Cleared for.			Entered from.			Cleared for.			Entered from.		
Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
19	2,623	140	5	602	31	18	2,241	126	7	854	41
103	16,226	972	21	2,681	177	97	14,147	859	31	3,668	234
21	2,561	153	14	1,482	84	16	2,025	111	21	2,351	133
6	1,384	62	-	-	-	4	782	41	—	—	—
-	-	-	-	-	-	1	120	6	—	—	—
20	1,836	138	13	1,294	87	14	1,269	97	8	870	59
9	845	58	6	446	36	7	555	43	8	605	44
58	7,719	497	30	3,984	252	50	5,997	382	43	5,062	350
17	1,523	123	8	556	47	12	774	78	7	640	42
-	-	-	-	-	-	-	-	-	1	116	6
5	649	38	-	-	-	5	538	35	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—
-	-	-	-	-	-	1	93	6	—	—	—
-	-	-	-	-	-	1	104	7	—	—	—
-	-	-	1	129	7	—	—	—	—	—	—
-	-	-	-	-	-	3	480	25	—	—	—
23	3,466	244	9	1,149	82	15	2,241	159	9	1,319	87
-	-	-	-	-	-	1	226	12	—	—	—
-	-	-	-	-	-	1	232	14	1	218	13
3	646	32	3	365	21	6	526	37	10	958	59
2	246	16	—	—	—	—	—	—	—	—	—
-	-	-	1	83	6	—	—	—	—	—	—
5	573	41	-	-	-	-	-	-	1	95	6
1	129	10	—	—	—	—	—	—	—	—	—
-	-	-	-	-	-	1	174	10	1	80	5
1	200	10	—	—	—	—	—	—	—	—	—
23	2,964	188	15	1,676	112	24	2,715	180	20	2,243	145

- - - LABRADOR.*

1	176	13	1	176	12	1	177	13	1	177	12
2	222	14	3	413	19	1	119	8	2	199	13
1	74	5	1	74	5	1	72	5	3	234	16
-	-	-	-	-	-	-	-	-	1	67	5
2	193	14	2	192	17	2	174	13	—	—	—
322	44,255	2,768	133	15,302	995	282	35,781	2,267	175	19,756	1,270

the Coast of Labrador, at the Ports of Scotland and Ireland during the above Years.

T. E. Willoughby.

NEWFOUNDLAND TRADE.

A RETURN

Of the Number of Vessels cleared from the Ports of the
United Kingdom for Newfoundland and Coast of Labrador :
1824, 1825, 1826.

*Ordered, by The House of Commons, to be Printed,
27 February 1827.*

NEWFOUNDLAND TRADE.

AN ACCOUNT of the Value of EXPORTS and IMPORTS, as nearly as can be ascertained, to and from the Island of *Newfoundland* and Coast of *Labrador*, during the Years 1824, 1825, and 1826; specifying the Number of Quintals of COD FISH, Tierces of SALMON, SEAL SKINS, FURS, and Quantity of OIL, Imported into the different Ports of the United Kingdom.

YEARS.	OFFICIAL VALUE OF IMPORTS Into the United Kingdom from the Island of New- foundland and Coast of Labrador.	OFFICIAL VALUE OF EXPORTS From the United Kingdom to the Island of New- foundland and Coast of Labrador.
	£. s. d.	£. s. d.
1824 - - -	207,081 18 3	442,077 5 3
1825 - - -	205,188 7 11	319,928 12 7
1826 - - -	229,140 11 8	274,144 5 2

Quantities of COD FISH, SALMON, SEAL SKINS, FURS, and TRAIN OIL or BLUBBER, Imported into the United Kingdom from the Island of *Newfoundland* and Coast of *Labrador*.

				YEARS		
				1824.	1825.	1826.
COD FISH, Sounds, Caplin, &c.	-	-	Cwts. qrs. lbs.	89,026 2 10	97,665 1 16	104,318 0 11
			Barrels - -	30	41	110
			Tierces - -	1	-	2
			Kegs - -	23	16	26
			Casks - -	-	-	62
			Boxes - -	-	-	22
			Firkins - -	-	3	-
SALMON	-	-	Cwts. qrs. lbs.	575 2 19	590 2 15	534 3 23
			Barrels - -	303	126	238
			Tierces - -	116	93	14
			Casks - -	2	-	8
			Kegs - -	-	-	21
SEAL SKINS	-	-	Number - -	228,772	219,153	275,902
FURS; viz.						
Bear -	-	-	Number - -	33	31	32
Beaver -	-	-	- -	991	853	1,164
Cat -	-	-	- -	15	4	26
Coney -	-	-	- -	171	-	-
Fisher -	-	-	- -	-	-	3
Fox -	-	-	- -	1,136	914	3,964
Hare -	-	-	- -	29	24	13
Martin -	-	-	- -	1,432	716	1,923
Mink -	-	-	- -	11	1	24
Musquash -	-	-	- -	254	365	705
Otter -	-	-	- -	1,172	769	1,180
Weasel -	-	-	- -	5	22	-
Wolf -	-	-	- -	6	10	22
Wolvering -	-	-	- -	4	5	20
OIL, Train	-	Tuns. Hhds. Galls. (Imperial Measure)		10,806 3 39	6,834 2 26	7,281 1 31
BLUBBER	-	-	- -	514 0 36	1,686 3 48	31 1 59

Inspector General's Office,
Custom House, London,
6th March 1827.

WILLIAM IRVING,
Inspector General of Imports and Exports.

NEWFOUNDLAND TRADE.

ACCOUNT

Of the Value of Imports and Exports, to and from the
Island of Newfoundland and Coast of Labrador, during
the Years 1824, 1825, and 1826.

Ordered, by The House of Commons, to be Printed,
9 March 1827.

NEWFOUNDLAND IMPORTS AND EXPORTS.

A RETURN

Of the Number of VESSELS, Tonnage, and Number of Men and Boys navigating the same, entered at the different Ports of *Newfoundland* and * *Labrador*, and cleared therefrom, from the Years 1815 to 1826, both inclusive; distinguishing the different Ports of Entry, and Clearance. • See on p. 3.

PORTS.	In the Year 1815:						In the Year 1816:					
	Inwards.			Outwards.			Inwards.			Outwards.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
St. John's, Newfoundland	615	80,722	4,479	553	74,149	4,117	502	63,930	3,594	492	61,686	3,565
Bay of Bulls - - - -	6	734	44	5	686	40	8	1,014	61	11	1,137	70
Burin - - - - -	72	9,748	583	68	9,261	546	38	5,355	298	42	5,901	336
Ferryland - - - - -	22	2,856	155	32	4,230	232	23	2,423	154	34	4,098	247
Fogo and Twillingate -	13	1,631	101	14	1,812	119	15	2,063	124	17	2,345	141
Fortune Bay and Little Bay	21	3,007	186	13	2,143	126	6	700	47	10	1,422	87
Harbor Grace - - - -	100	15,469	867	108	16,675	928	92	13,664	735	101	15,028	798
Placentia - - - - -	10	1,235	74	12	1,677	91	10	1,510	84	14	1,854	112
St. Lawrence - - - - -	21	3,287	179	22	3,306	181	15	2,226	127	12	1,740	102
Trepassey - - - - -	11	1,460	93	9	1,222	83	5	848	49	4	622	35
Trinity - - - - -	39	6,413	402	44	7,492	457	49	7,942	496	51	7,800	488
TOTAL - - -	930	126,562	7,163	880	122,653	6,920	763	101,675	5,769	788	103,633	5,981

PORTS.	In the Year 1817:						In the Year 1818:					
	Inwards.			Outwards.			Inwards.			Outwards.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
St. John's, Newfoundland	435	53,676	3,064	406	49,664	2,830	454	54,343	3,046	453	55,066	3,106
Bay of Bulls - - - -	9	1,110	65	8	957	54	14	1,734	100	14	1,734	100
Burin - - - - -	42	5,863	319	44	5,712	322	40	4,738	275	39	4,587	282
Ferryland - - - - -	16	1,786	128	26	2,824	180	25	2,652	172	24	3,625	171
Fogo and Twillingate -	18	2,357	144	32	3,269	215	24	2,981	185	25	3,132	185
Fortune Bay and Little Bay	33	4,628	288	41	5,109	334	32	4,314	272	36	4,529	276
Harbor Grace - - - -	78	11,683	611	92	12,908	696	56	8,013	419	99	14,675	772
Placentia - - - - -	11	1,541	86	11	1,589	88	17	2,362	131	18	2,412	134
St. Lawrence - - - - -	23	3,224	196	21	3,000	182	13	2,166	119	17	2,625	148
Trepassey - - - - -	4	376	28	4	519	32	1	96	5	2	241	12
Trinity - - - - -	47	7,559	465	50	8,019	489	24	2,981	185	25	3,132	185
TOTAL - - -	716	93,803	5,394	735	93,570	5,422	700	86,380	4,909	752	95,758	5,371

The preceding Account—continued.

PORTS.	In the Year 1819 :						In the Year 1820 :					
	Inwards.			Outwards.			Inwards.			Outwards.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
St. John's, Newfoundland	439	50,814	2,915	405	47,771	2,685	366	51,915	2,963	433	48,098	2,740
Bay of Bulls - - -	4	640	37	4	640	37	- - -	- - -	- - -	- - -	- - -	- - -
Burin - - - -	32	4,275	238	29	3,932	227	33	3,988	230	36	4,262	243
Ferryland - - -	22	2,312	140	30	3,046	199	20	1,936	127	29	2,833	185
Fogo and Twillingate -	29	2,717	185	39	3,381	242	27	2,661	176	43	3,561	278
Fortune Bay and Little Bay	33	3,930	145	39	4,321	273	30	3,706	233	31	3,757	236
Harbor Grace - -	108	14,956	789	121	16,511	871	98	13,592	719	112	15,039	814
Placentia - - -	11	1,543	83	10	1,364	79	11	1,114	76	5	493	34
St. Lawrence - -	14	1,360	94	16	1,496	105	6	618	42	5	549	37
Trepassey - - -	—	—	—	—	—	—	—	—	—	—	—	—
Trinity - - -	47	7,452	440	45	7,357	429	47	7,584	439	25	3,768	225
TOTAL - - -	739	89,999	5,066	738	89,819	5,147	638	87,114	5,005	719	82,360	4,792

PORTS.	In the Year 1824 :						In the Year 1825 :					
	Inwards.			Outwards.			Inwards.			Outwards.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
St. John's, Newfoundland	505	55,986	3,165	471	51,155	2,955	465	49,684	2,778	466	49,922	2,832
Bay of Bulls - - -	6	583	37	6	550	39	5	813	45	8	1,076	65
Burin - - - -	39	3,740	231	43	4,491	272	55	4,721	309	58	4,783	310
Ferryland - - -	25	2,008	157	21	1,878	134	14	1,320	88	13	1,249	84
Fogo and Twillingate -	28	3,248	208	22	2,660	165	26	2,932	193	30	3,036	191
Fortune Bay and Little Bay	24	3,133	199	24	3,626	217	30	3,841	234	31	4,333	257
Harbor Grace - -	105	14,105	742	117	15,629	836	102	13,379	733	111	14,683	794
Placentia - - -	16	1,981	121	20	2,377	148	10	1,311	82	12	1,459	92
St. Lawrence - -	8	913	57	11	1,142	74	17	1,910	118	9	1,068	65
Trepassey - - -	—	—	—	—	—	—	—	—	—	—	—	—
Trinity - - -	50	7,256	440	47	6,878	416	39	5,494	335	30	5,551	346
TOTAL - - -	806	92,953	5,357	782	90,386	5,256	763	85,455	4,915	768	87,160	5,036

In the Year 1821 :						In the Year 1822 :						In the Year 1823 :					
Inwards.			Outwards.			Inwards.			Outwards.			Inwards.			Outwards.		
Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
464	49,565	3,283	452	48,830	2,721	468	46,635	2,641	447	43,878	2,523	447	47,603	2,644	430	45,704	2,584
-	-	-	-	-	-	3	523	27	4	477	28	4	444	29	5	552	34
41	4,536	273	43	4,992	294	35	3,679	219	35	3,643	221	45	4,394	292	31	3,846	249
20	2,138	137	26	2,640	170	14	1,247	84	15	1,244	85	25	2,054	146	24	2,062	146
23	2,781	173	33	3,100	214	30	3,559	223	29	3,384	124	23	2,611	164	24	2,710	274
37	4,924	310	42	5,024	326	24	2,090	194	29	3,889	240	36	4,677	290	35	4,339	266
114	14,329	771	131	16,277	889	111	14,240	760	121	15,853	840	105	14,210	746	123	16,420	869
20	2,034	128	22	2,219	141	9	718	49	15	1,477	95	9	1,219	70	11	1,266	76
10	1,079	70	10	1,079	70	2	140	10	3	315	20	10	1,015	64	8	865	54
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
46	6,658	415	51	7,089	439	46	6,283	388	40	6,925	421	38	5,218	322	34	4,646	288
775	88,044	5,560	810	91,250	5,264	742	79,114	4,595	747	81,085	4,597	741	83,445	4,767	725	82,410	4,840

In the Year 1826 :					
Inwards.			Outwards.		
Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
418	42,536	2,477	343	34,378	1,997
5	579	38	11	1,161	78
42	3,994	261	38	3,282	217
17	1,505	110	14	1,407	89
23	2,705	178	17	1,897	124
25	3,649	212	20	2,997	172
88	11,675	617	89	11,484	604
13	1,613	102	12	1,388	88
7	924	56	5	644	39
-	-	-	-	-	-
28	3,808	244	30	3,912	248
666	72,988	4,295	579	62,548	3,656

* Note.—No Returns are made to this Office from *Labrador*; and the Accounts for Christmas quarter 1826 have not yet been received from Newfoundland.

Custom House, London,
Reg^r Gen^l of Shipping's Office,
April 28, 1827.

T. E. Willoughby.

NEWFOUNDLAND
IMPORTS AND EXPORTS.

A R E T U R N

Of the Number of VESSELS, Tonnage, and Number of Men and Boys navigating the same, entered at the different Ports of Newfoundland; from the Years 1815 to 1826, both inclusive.

*Ordered, by The House of Commons, to be Printed,
2 May 1827.*

NEWFOUNDLAND
IMPORTS AND EXPORTS.

RETURN to an Order of The Honourable House of Commons,
dated 29th March 1827;—for

AN ACCOUNT

Of the IMPORTS and EXPORTS into and from the Island of *Newfoundland* and
Coast of *Labrador*, from the Year 1815 to 1826, both inclusive; distin-
guishing the various Articles separately, and the Value thereof, as nearly as
the same can be ascertained, and also, the different Ports of Entry and
Clearance.

Ordered, by The House of Commons, to be Printed,
29 June 1827.

RETURN to an Order of The Honourable House of Commons, dated 29th March 1827;—for
AN ACCOUNT of the IMPORTS and EXPORTS into and from the Island of *Newfoundland*
Articles separately, and the Value thereof, as nearly as the same can

IMPORTS INTO THE ISLAND OF NEW-

YEARS . . . ARTICLES IMPORTED.	1815.	1816.	1817.	1818.	1819.
Apparel & Slops - entered at Value	53,006 15 11	29,794 19 2	17,240 6 10	28,996 8 2	37,590 15 11
Apples - - - Barrels	940	351	216	454	299
Bacon & Hams - Cwt. qr. lb.	1,465 0 15	226 3 0	438 2 20	348 2 24	389 1 3
Beef & Pork - - Barrels	35,172	24,972	27,043	27,683	20,765
Beer & Cider - - Tuns. hs. gs.	783 2 36	685 3 28	210 3 26	126 2 24	300 1 5
Brass & Copper Manufactures } Cwt. qr. lb. }	116 2 5	92 1 7	101 1 11	59 1 23	52 1 7
Bread & Biscuit - Cwt. qr. lb.	67,925 2 24	92,914 1 10	110,305 2 12	117,351 1 0	96,384 0 22
Bricks & Tiles - Number	818,120	914,600	432,629	273,722	457,919
Butter & Cheese - Cwt. qr. lb.	20,271 2 4	18,938 3 27	12,161 1 13	12,092 2 9	14,019 1 7
Coals & Culm - - Tons	11,777	8,346	4,763	8,093	6,735
Coffee - - - Cwt. qr. lb.	170 0 13	1,417 2 6	- - -	158 1 20	332 2 0
Cordage - - Cwt. qr. lb.	17,158 3 13	13,111 0 8	7,053 1 10	8,620 3 3	10,783 0 3
Cork & Corkwood - Cwt. qr. lb.	109 0 0	98 0 0	114 0 0	119 0 0	231 2 18
Corn & Grain - Qrs. bus.	2,906 2	1,181 4	1,810 0	1,498 5	2,797 4
— Meal & Flour - Cwt. qr. lb.	31,321 3 12	29,389 3 27	28,655 1 2	33,220 3 10	33,126 2 24
Cotton Manufactures - entered at } Value }	34,536 15 4	17,811 17 9	9,382 2 2	14,035 19 10	21,635 5 11
Cows & Oxen - Number	1,404	1,085	1,038	809	1,034
Fishing Tackle - entered at Value	28,319 13 5	17,133 13 11	9,584 18 3	12,271 16 6	18,416 7 2
Glass & Earthenware - entered at } Value }	11,346 0 0	5,140 3 7	2,459 8 6	5,557 5 1	6,106 15 2
Guns - - - Number	1,425	729	681	157	205
Gunpowder - - - Lb.	34,737	14,918	34,505	27,632	20,667
Hardware & Cutlery - Cwt. qr. lb.	2,667 1 7	1,167 3 19	666 3 13	660 1 19	964 0 7
Hats of all Sorts - Dozens	4,633	4,174	1,234	1,985	2,178
Horses - - - Number	47	19	10	1	3
Iron & Steel,, Wrought & Un- } wrought - Cwt. qr. lb. }	13,991 2 14	11,906 1 8	7,277 2 14	9,249 2 26	10,332 0 10
Lead & Shot - Tons. Cwt. qr. lb.	85 8 2 12	58 18 3 23	54 14 3 23	79 3 1 26	111 17 0 3
Leather, Wrought & Unwrought, } entered at Value }	74,097 5 2	42,193 3 8	24,878 2 5	34,172 14 6	45,953 4 1
Lemons, Limes & Oranges, Number	36,000	31,250	33,150	15,250	52,450
Lime - - - Chaldrons	257	385	165	451	392
Lins - - - entered at Value	31,000 17 2	17,162 11 1	10,448 11 3	12,493 2 11	19,598 3 10
Mellasses - - - Gallons	223,325	340,193	239,106	287,709	413,141

and Coast of *Labrador*, from the Year 1815 to 1826, both inclusive; distinguishing the various be ascertained, and also the different Ports of Entry and Clearance.

FOUNDLAND AND COAST OF LABRADOR.

1820.	1821.	1822.	1823.	1824.	1825.	1826.
31,859 16 3	24,736 8 3	16,828 18 8	31,347 19 5	39,207 12 6	29,050 18 7	25,300 4 6
731	1,153	736	1,353	438	1,099	1,316
213 0 27	697 0 7	638 3 1	381 1 14	1,663 0 17	105 1 23	205 0 12
24,429	25,630	19,764	21,969	20,870	20,113	19,073
370 3 48	342 0 27	196 1 23	348 0 55	460 2 18	290 1 11	229 3 5
37 2 8	63 3 27	26 0 13	58 1 0	92 0 21	38 1 2	136 0 4
78,424 0 1	92,754 1 23	98,165 1 20	120,328 0 10	110,568 0 9	95,964 3 11	106,093 1 2
402,600	323,362	301,235	254,266	211,116	131,620	310,480
11,768 2 0	11,356 2 8	11,467 3 19	13,084 0 12	10,513 2 4	10,503 3 8	10,110 1 22
7,637	6,483	8,277	4,838	8,029	10,078	7,206
156 3 23	226 1 13	155 2 23	112 1 18	307 0 6	715 1 26	131 1 3
11,083 3 17	10,241 2 25	5,999 2 21	10,161 2 1	11,838 2 26	9,679 3 18	8,568 0 11
197 1 13	93 3 21	101 0 0	95 1 2	166 0 5	117 0 11	36 1 2
1,199 7	2,125 6	1,963 6	2,913 1	1,197 3	1,948 3	1,947 0
34,690 0 2	34,813 1 12	25,580 0 6	27,247 1 10	38,030 1 3	11,679 3 23	7,255 1 23
18,104 18 3	16,651 14 7	12,119 6 3	22,681 2 2	25,317 4 10	17,004 19 0	20,108 16 1
1,173	1,410	1,016	1,116	989	1,194	1,184
18,312 0 10	15,397 6 10	10,064 12 2	11,682 1 2	17,772 19 11	4,936 15 5	16,267 10 5
5,280 1 8	4,348 1 6	4,022 9 3	5,385 15 0	7,381 10 1	6,041 18 3	5,577 13 0
305	40	87	97	303	211	192
31,193	25,867	19,442	25,037	32,746	34,717	39,590
1,081 3 12	962 0 20	675 3 10	873 3 10	1,421 1 10	1,630 1 27	1,338 1 22
1,298	1,480	1,172	1,797	2,425	1,526	1,211
21	36	13	8	9	32	31
12,441 3 6	10,584 2 12	5,921 3 14	10,710 3 24	12,349 1 22	9,356 0 16	9,738 3 6
100 4 2 11	72 8 2 2	56 17 2 27	94 11 3 16	83 19 0 25	88 7 1 7	85 8 1 2
37,393 0 0	35,284 2 8	28,189 12 5	42,984 12 9	49,729 17 10	36,977 17 9	33,062 2 10
94,000	130,750	20,500	53,500	145,275	63,250	117,750
431	467	187	136	181	123	186
16,904 15 1	14,549 15 5	9,086 16 9	15,779 4 8	18,043 2 4	14,338 14 8	12,604 14 7
410,564	326,496	308,304	289,804	394,902	242,785	313,204
						(continued.)

The preceding Account—continued.

IMPORTS INTO THE ISLAND OF NEW-					
ARTICLES IMPORTED.	YEARS - - -				
	1815.	1816.	1817.	1818.	1819.
Oakum - - Cwt. gr. lb.	567 1 16	718 2 1	596 0 3	463 0 0	594 0 0
Oil, Olive - - - Gallons.	4,708	2,251	2,633	6,328	2,574
Onions - - - Bushels	431	542	35	154	743
Painters Colours & Materials, entered at Value	2,049 18 6	1,226 7 9	997 3 11	1,485 18 5	1,539 7 4
Piece Goods of India - Pieces	2,046	572	809	2,074	3,408
Pitch & Tar - - Barrels	3,311	4,025	1,409	1,595	2,988
Potatoes - - - Cwt. gr. lb.	34,852 3 20	37,477 2 2	69,404 2 0	97,788 2 0	63,360 0 14
Raisins - - - Cwt. gr. lb.	494 2 24	287 1 14	161 2 0	26 1 0	176 1 6
Rice - - - Cwt. gr. lb.	611 1 23	251 2 2	507 1 11	462 3 23	854 2 20
Salt - - - Bushels	2,276,179	2,056,148	1,663,970	2,117,642	1,563,981
Silk Manufactures, entered at Value	12,947 15 0	4,013 5 2	1,271 9 4	2,686 14 0	3,112 13 10
Sheep & Hogs - - Number	1,752	1,315	891	1,089	1,052
Soap & Candles - Cwt. gr. lb.	4,063 2 10	2,229 0 18	2,008 0 5	1,718 0 21	2,666 0 12
Spirits - - - Gallons	527,833	415,001	152,092	323,841	301,551
Sugar, Raw - - Cwt. gr. lb.	16,578 0 0	14,045 0 0	7,281 0 0	11,411 2 0	10,000 3 2
—— Refined - - Cwt. gr. lb.	1,002 0 24	422 1 18	197 3 3	396 0 1	740 3 14
Stationery of all Sorts, entered at Value	4,232 0 9	2,306 13 2	1,776 4 7	2,154 1 4	1,802 10 0
Tallow - - - Cwt. gr. lb.	681 3 11	- - -	- - -	- - -	1 1 0
Tea - - - Lb.	182,398	98,911	91,761	148,560	118,079
Tin & Pewter Wares & Tin Plates, entered at Value	4,849 8 8	2,840 10 11	1,565 1 0	2,521 19 3	2,340 9 6
Tobacco - - - Lb.	142,035	171,884	131,407	111,513	151,786
Wines - - - Tuns. hs. gs.	579 1 56	162 3 13	138 1 49	56 2 43	143 3 39
Woods, Boards & Plank, Sup. feet	4,331,221	4,101,609	1,431,697	2,884,137	3,379,053
—— Hoops - - Number	43,320	39,228	23,930	49,644	47,128
—— Masts & Spars - Number	1,215	509	197	428	629
—— Shingles - - Number	3,778,550	4,100,552	1,192,250	1,643,500	1,998,258
—— Staves - - Number	93,133	130,746	11,350	16,290	32,673
—— Timber - - Loads	408	377	66	496	1,329
Woollen Manufactures, entered at Value	89,493 13 1	45,708 12 3	24,383 7 9	35,505 6 11	57,924 16 10
All other Articles - entered at Value	40,428 16 2	29,775 8 6	15,407 13 8	20,099 8 2	26,409 13 8

FOUNDLAND AND COAST OF LABRADOR.

1820.	1821.	1822.	1823.	1824.	1825.	1826.
558 3 0	537 3 0	378 3 0	699 3 11	448 0 3	363 3 23	623 3 21
2,482	2,118	1,516	1,298	2,811	1,730	2,679
637	318	956	1,789	308	40	1,038
1,442 14 10	1,030 12 9	873 18 1	1,200 4 3	1,217 6 0	1,162 9 11	1,751 19 10
3,244	2,135	2,052	2,664	3,481	1,776	2,596
2,793	1,864	1,789	2,811	2,680	2,637	1,622
22,167 0 0	43,701 2 0	39,125 2 0	50,486 0 0	34,030 2 0	36,018 0 0	46,484 3 0
501 1 10	383 2 12	185 0 26	248 2 27	451 3 9	797 0 25	717 2 11
861 0 14	444 1 5	407 0 1	426 0 8	452 0 13	651 0 14	43,933 1 20
1,864,295	2,283,481	2,282,656	2,430,806	3,469,468	2,259,157	2,988,424
2,416 9 0	1,740 13 0	1,964 11 8	3,675 10 8	3,339 17 7	1,716 16 0	784 8 9
1,747	1,524	946	1,192	1,190	1,512	1,791
2,729 0 11	3,037 0 14	2,504 0 23	3,534 2 24	2,877 0 27	1,925 1 25	3,230 1 3
426,124	352,735	267,542	366,466	283,816	255,315	316,886
9,041 1 13	6,228 0 16	5,800 1 15	8,233 2 0	7,235 3 18	5,869 3 6	7,107 0 18
342 2 14	540 3 15	325 3 4	584 3 0	707 3 18	287 3 6	663 2 14
2,000 8 1	1,636 17 2	1,270 6 9	1,851 15 7	2,088 6 3	1,909 5 4	1,910 6 0
—	—	—	—	—	—	—
106,900	90,639	75,478	120,686	77,190	93,809	135,582
2,225 19 10	2,068 8 11	1,426 13 6	1,921 4 1	2,456 19 7	2,291 5 9	1,754 12 1
172,293	172,476	205,736	195,092	351,219	166,901	169,077
254 1 5	159 0 38	52 0 2	142 1 5	239 0 21	156 3 62	189 2 56
3,207,376	2,053,246	1,417,443	2,782,295	1,360,236	1,915,995	2,027,766
96,161	163,816	35,924	26,900	119,650	37,852	43,324
960	209	195	351	434	400	481
2,538,376	2,105,750	1,224,800	1,740,300	1,114,500	1,500,500	2,303,750
90,914	342,788	355,252	412,058	91,932	250,685	37,510
1,084	1,421	103	559	245	950	327
47,862 6 7	45,438 5 1	24,011 12 6	46,744 4 10	59,274 11 5	41,671 15 2	58,500 9 11
14,503 1 8	14,755 5 7	11,946 12 6	16,098 0 7	20,500 18 4	19,898 7 4	13,404 4 8

(continued.)

The preceding Account—continued.

EXPORTS FROM THE ISLAND OF NEW-

YEARS . . .		1815.	1816.	1817.	1818.	1819.
ARTICLES EXPORTED.						
Castor - - - - Lb.		146	109	85	136	5
Cordage - - - Cwt. gr. lb.		474 3 15	235 0 19	581 3 20	211 3 15	- - -
Cranberries - - Gallons		2,129	2,131	5,584	5,265	10,225
FISH:	Cod Dry - - Quintals	1,245,808	1,069,880	986,838	957,206	842,341
	— Wet - - Barrels	33	41	174	227	- - -
	— Sounds & Tongues, Kegs	1,892	2,294	2,166	4,419	17,676
	Herrings, Pickled, Barrels	1,098	1,203	2,100	1,952	1,816
	— Smoked, Boxes	- - -	24	- - -	568	101
	Mackarel - - Barrels	753	743	610	968	791
	Salmon, Pickled - Barrels	3,506	2,127	3,183	1,725	2,326
	—, Smoked - Boxes	1	1	- - -	- - -	- - -
Hides, Raw - - Number		13,268	2,026	1,327	954	826
Melasses - - Gallons		5,456	14,579	7,511	2,323	2,389
Oil & Blubber - Tuns. hs. gs.		8,225 1 7	7,729 3 46	6,597 1 26	6,867 0 37	8,175 0 40
Pitch & Tar - - Barrels		141	119	76	11	164
Salt - - - Bushels		288,470	178,540	103,392	130,110	57,948
Skins, Beaver - - Number		2,710	2,335	2,669	2,726	1,164
— Martin - - Number		2,342	1,724	2,286	2,259	208
— Otter - - Number		1,639	1,964	2,029	1,623	770
— Seal - - Number		141,374	142,115	44,350	161,783	290,916
— of other Sorts - Number		1,951	2,605	2,431	1,994	995
Soap & Candles - Cwt. gr. lb.		89 0 0	396 0 0	237 0 15	133 0 0	23 0 14
Spirits - - Gallons		23,899	63,566	33,019	9,957	6,546
Sugar - - - Cwt. gr. lb.		2,132 0 0	2,426 0 0	2,301 0 0	1,364 0 0	1,100 1 20
Tobacco - - - Lbs.		8,024	14,803	7,592	16,671	11,772
Wines - - - Tuns. hs. gs.		145 3 12	118 3 16	96 0 21	39 3 45	20 3 31
Wood, Boards & Plank, Super. feet		66,972	178,379	168,146	79,016	53,720
— Staves - - Number		48,988	65,935	95,246	11,413	32,366
— Timber - - Loads		136 $\frac{1}{2}$	618	2	41 $\frac{1}{2}$	160 $\frac{1}{2}$
All other Articles, entered at Value		£. 1,650 5 -	5,039 9 1	2,673 10 3	1,892 6 10	2,954 2 -

Note.—This Department does not possess the means of rendering any General Statement of the Value of the Goods imported into and exported from the Island of Newfoundland; nor has it been found practicable in framing the foregoing Account, to distinguish the different Ports of Entry and Clearance; the Trade of all the Ports of the Island being exhibited in one collective record. As a Return to the Order of The Honourable House, therefore, the Account is defective; but it is respectfully submitted as affording the most exact and comprehensive information that is to be procured under the circumstances of the case.

FOUNDLAND AND COAST OF LABRADOR.

1820.	1821.	1822.	1823.	1824.	1825.	1826.
24	- - -	3	2	3	5	5
61 0 0	45 0 0	122 1 5	228 2 8	12 0 0	146 0 0	215 0 0
13,475	5,725	4,225	9,135	12,421	6,600	8,550
899,729	961,734	927,098	873,843	996,976	973,464	928,442
25	-	-	-	-	-	-
20,026	16,654	6,580	6,968	4,168	6,680	6,472
1,687	508	496	267	569	490	327
- - -	- - -	- - -	20	-	-	-
1,475	421	710	46	270	303	785
1,726	2,468	2,642	2,439	2,456	3,003	5,554
- - -	- - -	2	-	-	-	-
916	1,367	1,350	1,599	3,766	2,413	1,314
7,914	6,497	6,363	33,454	10,737	4,863	1,100
8,224 3 21	9,250 3 43	8,595 2 36	8,046 2 39	8,499 3 2	7,806 2 11	7,610 1 28
49	8	6	78	- - -	- - -	2
73,425	46,629	47,916	57,420	59,930	65,538	198,759
1,783	3,785	2,993	2,651	956	774	790
478	442	901	1,098	746	278	327
811	794	1,068	990	628	498	563
221,334	271,370	241,323	210,369	227,073	221,510	308,695
860	1,403	2,617	2,656	1,130	1,131	1,307
12 3 12	10 1 22	34 1 4	5 1 12	5 2 20	26 3 4	-
2,870	2,290	9,437	29,345	2,354	21,405	1,476
887 1 3	4,494 1 11	972 3 17	2,040 1 22	3,233 1 23	2,139 2 0	3,052 2 0
1,848	4,760	4,200	5,690	- - -	5,200	1,400
42 0 0	58 3 54	64 0 15	24 3 5	56 2 16	78 1 0	3 2 60
54,119	38,190	28,322	73,650	25,216	68,614	94,319
39,515	33,602	30,505	47,880	54,868	70,097	43,676
36	- - -	114	- - -	309	35	-
1,321 3 6	2,118 16 -	1,179 12 2	683 5 5	285 6 -	662 17 6	1,398 12 6

Inspector General's Office,
Custom House, London,
29th June 1827.

WILLIAM IRVING,
Inspector General of Imports & Exports.

NEWFOUNDLAND
IMPORTS AND EXPORTS.

R E T U R N

Of Imports and Exports into and from the Island of
Newfoundland and Coast of Labrador,
from 1815 to 1826.

*Ordered, by The House of Commons, to be Printed,
29 June 1827.*

CANADA.

COPIES OF TWO DISPATCHES

Dated 12th March 1827 and 28th February 1828, from the Lieutenant Governor of *Upper Canada* to the Secretary of State for the Colonies, upon the subject of the WELLAND CANAL.

Copy of a Dispatch from the Lieutenant Governor of Upper Canada, to the Secretary of State for the Colonies.

York, Upper Canada, 12th March 1827.

MY LORD,

I HAVE the honour to transmit to your Lordship, a Letter which has been addressed to my Secretary by the President and Directors of the Welland Canal Company; from which your Lordship will perceive that they desire to ascertain whether the circumstance of £. 90,000 having been actually expended, and £. 75,000 available, and about to be expended without delay, upon a work of great public benefit, will not be deemed by His Majesty's Government sufficient security to induce them, within the spirit of a communication which I formerly received from your Lordship, to borrow for the Company the sum of £. 50,000 sterling, required to complete the work.

I trust that the circumstance of the Government of the Colony having been enabled, by Acts of the Legislature, to lend £. 25,000 to the Company, and to take stock to the amount of £. 50,000, will convey to your Lordship so strong an impression of the confidence which is reposed here in the conduct of the Undertaking, as to induce a compliance with the desire of the Company.

I have, &c.

Earl Bathurst, K. G.

(signed) P. MAITLAND.

&c. &c. &c.

A true Copy.

R. W. Hay.

(Inclosure.)

Welland Canal Office, March 10th, 1827.

SIR,

I HAD the honour, in December last, to lay before his Excellency the Report which had then recently been published by the President and Directors of the Welland Canal Company, setting forth a statement of the affairs of the Company, and of the progress and state of the work.

The terms in which his Excellency was pleased, at the opening of the last Session of the Legislature, to recommend this great Undertaking to their continued favour and protection, were most gratifying to the Company, and must have been so to all who take a zealous interest in the improvement of this Colony. The support which has in consequence been extended to the Company, is most liberal, and cannot fail to ensure the work being conducted to a successful termination.

The great anxiety, however, which is felt by the President and Directors to contribute to so desirable a result by every means in their power, induces them to submit to his Excellency the following representation.

Of the £. 200,000 stock authorized to be sold by the Company, £. 93,000 has been subscribed by individuals. The mercantile failures of the last year, and other causes, have occasioned £. 10,000 of this stock to revert to the Company for the nonpayment of instalments, after considerable payments (in most instances 25 per cent) had been made on account of it. On the remaining £. 83,000, 73 per cent has been paid, which has been all expended on the work, and 27 per cent remains to be called in, the punctual payment of which there is no reason to doubt.

The subscription of stock made by the Government, under the authority of the late Act, to the amount of £. 50,000, leaves but £. 57,000 to be taken up, provided purchasers can be formed for the £. 10,000 forfeited.

The operations of the next season must be very speedily commenced; the payments in the stock held by the Government will enable the Company for several months to prosecute the work with vigour; but in the present depressed state of the commerce in this part of the world, an uncertainty very perplexing to the Company remains as to the residue of the stock, without which a suspension of operations must take place, disadvantageous to the Undertaking, and embarrassing to the Contractors.

His Excellency is aware that the stock held by the Government is accepted under the Act, upon the condition, that in consideration of its being paid up in full as rapidly as it may be required, the Company is to pay to the Government interest at six per cent upon the whole amount, £. 50,000, until the expiration of one year after the Canal is completed from the Grand River to Lake Ontario.

It becomes, therefore, the more urgent upon the Company to hasten as much as possible the consummation of the work; and they are confident his Excellency feels deeply of how much importance its completion is to the western sections of Upper Canada. There seems in this advanced stage of the Undertaking no reason to doubt that the hopes hitherto entertained of completing the whole Canal for about £. 230,000 will be realized. There has been already expended upon it about £. 90,000, including the £. 25,000 lent by the Government. The remaining instalments upon the stock now held by individuals will produce £. 25,000; and this sum, with the £. 50,000 now subscribed by the Government, and the aid very generously intended to be contributed by the Imperial Government, if it can be obtained during the present season, will enable the President and Directors to expend a sum not less than £. 93,000 during the present season, and as soon as the contractors may require it.

Thus his Excellency will perceive, that there has been already expended on the Welland Canal £. 90,000. and that the Directors can apply, during the approaching season, the sum of £. 93,000. which leaves not more than £. 50,000. to enable the Company to proceed without interruption.

The Company trust that they may, without impropriety, allude to a communication which on a former occasion was made to the Legislature, that His Majesty's Government would, on certain conditions, and in furtherance of objects of public benefit to the Colony, advance sums of money upon the same rate of interest as must be paid by His Majesty's Government, and on terms that would admit of the debt being very gradually extinguished.

Assuming that £. 50,000. would suffice in addition to the present means of the Company to complete both sections of the Canal, it has suggested itself to the Directors, that if His Majesty's Government would consider the actual expenditure of £. 170,000. as sufficient security to render it prudent to afford the accommodation alluded to, and would raise, by loan in England, for the Company, the funds still wanting, say £. 50,000. sterling, the Directors, relieved from the uncertainty of stock being subscribed by individuals, might safely proceed to put the western section of the Canal, from the Welland to the Grand River, at once under contract, and the certainty would be afforded of the navigation being completed with the least possible delay; it need scarcely be mentioned, that if the remaining £. 57,000. stock should be subscribed in America, it would of course enable the Company immediately to redeem the loan.

The Directors consider it so desirable to arrive at once at the assurance of sufficient funds, that they would deem the accommodation suggested very important, if it were even accompanied with the condition that His Majesty's Government should withhold the proposed aid offered by Lord Bathurst's dispatch of 30 September last, and apply it to the payment of the accruing interest on the loan.

I have, &c. &c.
(signed) *John H. Dunn,*
President Welland Canal Company.

Copy of a further Dispatch from the Lieutenant Governor of *Upper Canada*, to the Secretary of State for the Colonies.

SIR,

York, Upper Canada, 28th Feb. 1828.

THE President and Directors of the Welland Canal Company have, within these few days, made me acquainted with their intention of sending Mr. Merritt, their Managing Agent, to England, in the hope that, by a full and well authenticated explanation of the great importance of the work in which they are most zealously engaged, and of its present very advanced state, he may succeed in obtaining further assistance from His Majesty's Government, and perhaps also in engaging the attention of capitalists to an undertaking of more than ordinary consequence to British interests in this part of the world.

Mr. Merritt was the original projector of this Canal, which is intended to connect the waters of Lakes Erie and Ontario by the navigation, suited to schooners of one hundred tons burthen, and has been most active and useful in superintending it, under the directions of the Board, which consists of a President and six other Directors.

I need not trouble you with explanations, which the Agent of the Company will doubtless be fully prepared to furnish, and which can be much more satisfactorily laid before you in a personal interview, if it shall be in your power to admit Mr. Merritt to an audience for that purpose, as I sincerely hope it may be.

I reside, during part of the year, within eight miles of the Canal, which I have frequently visited, and I have had every opportunity of watching its progress, and of forming a judgment, upon the most satisfactory information, as to the system and economy with which it has been conducted. My testimony on a few points, therefore, may not be unimportant, and I have great pleasure in affording it. The Canal was undertaken in 1824, by a private Company, under a charter of incorporation obtained from the Legislature; and the original design was to make it on a scale adapted to the navigation of boats drawing four feet water. It was soon, however, proposed to enlarge the scale to the present dimensions, in order to admit of navigation by sloops and schooners. The stock allowed to be held was increased with that view to £.200,000, which, it was estimated, would cover the expense. Of this sum, about £.100,000 was taken up in these provinces and in the United States, but principally in the United States, where one mercantile house subscribed for nearly £.50,000. (It is to be understood, that the sums spoken of here are in provincial currency dollars, at 4*s.* 6*d.* or 18*s.* sterling to a pound.) The work was begun in 1825, and the interest which it became the government of this province to feel in the completion of this great Undertaking, induced me to recommend it strongly to the assistance of the Legislature. In 1826, an Act was passed here, authorizing the Government to lend the sum of £.25,000. to the Company, which was a very material encouragement, as it enabled the Directors to make an immediate and considerable progress, and to show the possibility of surmounting difficulties in the execution, which had been absurdly exaggerated by persons unfriendly to the design. The Company, however, has always hitherto paid, and are still liable to pay the full rate of interest (6 per cent) upon this loan, and are bound to repay the principal. In the following year 1827, the progress made had been so satisfactory, and the appearance of the work was so encouraging, that the Legislature of this province passed an Act, enabling the government on behalf of the public, to take stock in the Company, to the amount of £.50,000. and the Legislature of Lower Canada then in session, upon the application of the Company, recommended by me to his Lordship the Governor in Chief, authorized £.25,000. in stock, to be held in behalf of that province. With these aids, the Company has accomplished a vast deal

deal during the past season, and the Plans and Reports taken to England by Mr. Merritt, will shew in how forward a state the Canal now is. These Plans and Reports have been exhibited to me; they have been prepared under the order of the President and Directors, and I have no hesitation to incur the responsibility of vouching for their general accuracy. You will perceive by them, that much of the Canal is actually finished; and that of the most arduous part of it, less remains to be done than was accomplished during the last season.

About £. 170,000. had been expended on the Canal, and it is estimated that about £. 75,000. will be required to complete the whole line from Lake Erie to Lake Ontario. If there is no impediment from want of funds, it is believed that all can be finished within the present year.

The funds that the Company can now reckon upon are about £. 12,000. of the stock subscribed, and not yet called in, and the sum very generously offered by the King's government in 1827, upon terms which have been gladly accepted. The first object of Mr. Merritt will be to make arrangements for receiving and remitting this sum; supposing this accomplished, about £. 50,000. will still be necessary to enable the Company to conduct the work to its completion.

It is supposed that the whole cost will approach £. 250,000.; the apparent excess of £. 50,000. upon the original estimate would not, in a work of this magnitude and novelty, create surprise, even if it consisted exclusively in an increase of labour and prices above what was anticipated; but a great part of it is in reality composed of the expense of engineers, the salaries of secretary, clerks, agent, and in fact all the contingent expenses of managing the work; besides the amount paid to individuals as compensation for injuries done to their estates along the line of the Canal.

There seems not to be any reason to doubt that the whole can be completed at a charge of £. 250,000; of which about £. 170,000. has been actually expended, and that with economy and judgment. When such a result is arrived at, we shall have attained, at an expense of one million of dollars, a much greater object for our country bordering upon Lake Erie, than has been accomplished for the inhabitants of the opposite country, at a charge of nine millions of dollars. The productions of our western country, and of a most extensive portion of the territory of the United States, if they choose to avail themselves of this channel, will be transported by water to Quebec, having only to encounter in their passage an artificial navigation of thirty-six miles, of which, indeed, nine miles is part of a river navigation, requiring no improvement. Through this thirty-six miles, a schooner of 22 feet in width and drawing eight feet water, can pass; while commodities passing to New York, through the Erie Canal, would have to pay tolls on an artificial navigation of more than three hundred miles, and admitting only of boats drawing four feet water. I will not, however, expatiate upon the prospects which the Welland Canal will open to this province, or do more than mention the obvious importance of such a work to our military defence.

I persuade myself that the Government and people of England will not suffer an undertaking of this nature to languish, when it has been advanced by extraordinary exertion to so forward a state.

Mr. Merritt will lay before you the different provincial Acts I have spoken of; it will be seen by them that the Legislature has made an exertion as great as their means enabled them, and indeed the province is at this moment in debt for the whole amount of the £. 75,000. which they have invested in the work.

I am happy to be able to refer you to the very satisfactory testimony of a gentleman of character and intelligence, Captain Basil Hall, who examined this work very minutely last summer, and whose opinion, particularly as to the construction of the harbours, it is not unimportant to have obtained.

He took a zealous interest in the work, and in repeated conversations with me, expressed himself in the warmest terms of approbation as to the state of the Undertaking, and the economy and judgment with which the Company had proceeded. Mr. Merritt will show you a letter upon the Canal which Captain Hall published in this country.

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The fact that the Receiver General of the Province, the Attorney and Solicitor General, and Colonel Wells, a member of the Legislative Council, compose four of the seven Directors by whom the affairs of the Company are conducted, is a sufficient assurance that every thing is intended and carried on in perfect good faith. These gentlemen, from a conviction of the great importance of this work to the province, consented, at the earnest request of the stockholders, to become Directors at an inconvenient sacrifice of time and attention to themselves, and for the purpose of excluding all ground for that suspicion and distrust which might have attached to the Company if it had been under the management of persons having local interests, and possessing no particular claim to public confidence.

I recommend the object which Mr. Merritt has in charge to your particular attention, and most earnestly hope that his mission may be successful.

I have, &c.

(signed) P. MAITLAND.

To the Right Hon. W. Huskisson,
&c. &c. &c.

A true Copy.

R. W. Hay.

CANADA.

COPIES OF TWO DISPATCHES

Upon the Subject of the

WELLAND CANAL.

*Ordered, by The House of Commons, to be Printed,
17 June 1828.*

445.

EMIGRATION.

RETURN to an Address of the Honourable The House of Commons,
dated 4th March 1828 ;—for

Copy of the REPORT, laid before the Colonial
Department by Lieut. Colonel *Cockburn*, on the
subject of Emigration; together with the Instructions
received from that Department on 26 January 1827.

Colonial Department, }
Downing-Street, }
7th March 1828. }

F. L. GOWER.

Ordered, by The House of Commons, to be Printed, 10 March 1828.

INSTRUCTIONS.

(Copy.)

Downing-Street, 26th January 1827.

SIR,

IT has been thought expedient that measures should be taken for 300,000 Acres of Waste Land being surveyed, and other necessary arrangements made for the reception in Nova Scotia, New Brunswick, and Prince Edward's Island during the ensuing Autumn, of 2,000 Emigrants, heads of families, (say 10,000 souls,) in the event of such a measure being finally decided upon by His Majesty's Government; and Lord Bathurst having selected you as a fit person to carry these arrangements into effect, and to perform such further services as are hereinafter expressed, you are to consider yourself as appointed a Commissioner for said purposes, and to be governed in the performance of your duties by the following Instructions.

You are to proceed without delay to Nova Scotia, New Brunswick, and Prince Edward's Island, and after consulting on the subject of these Instructions with the respective Lieutenant Governors of those Provinces, you will proceed to the districts which under all circumstances appear best suited to the purposes of Settlement, with a view of ascertaining, previous to any surveys or other arrangements being made, that not only the situation is eligible, but that the quality of the land is such as to ensure the means of ultimate success to any industrious settler who may be placed thereon. In ultimately forming your determination on this part of your Instructions, you will keep in mind the great advantage to be derived from placing the new Settlements as near as possible to inhabited parts of the country.

The total quantity of land to be thus laid out under your directions is not to exceed 300,000 Acres; in fixing the proportion for each Province, you must be guided by information to be obtained on the spot. Having fixed on the situation and determined the quantity of land to be surveyed and laid out in each Province, and made the necessary arrangements for effecting the latter, you will ascertain the most eligible place of disembarkation for the proportion of settlers intended to be sent there; you will also take measures for insuring the means of removal being provided for them and their baggage, from the place of disembarkation to the place of Settlement. It will also be necessary that a supply of one month's provisions should be actually received, and put into store at the place of Settlement, previous to the arrival of the Emigrants, as likewise that there is a due proportion at the point

of disembarkation, and the means of supplying them on the route from thence to the place of destination.

The food to be issued to the settlers must be sufficient, and of good and wholesome quality; but in fixing the particular description of which the ration is to be composed, you must be governed by local circumstances, always recollecting, that where a saving can be made to the public, without injury to the settler, a material and manifest advantage will result.

You are aware that the question of Emigration has not as yet been decided, and that the service you are now employed upon is rather of a precautionary than of a definitive character. It would, therefore, be highly desirable, unless you shall have received more distinct instructions to that effect, that the arrangement for the supply of food and conveyance should, as much as possible, be made contingent on the actual arrival of Emigrants; always, however, understanding, that there must be no sort of risk or doubt as to these articles being actually forthcoming when required.

You will make inquiries as to the quantity, price, and description of such agricultural implements, and other articles generally required by settlers, as could be provided in the Colonies. As it may, however, turn out more advisable to send those articles direct from England, you will not enter into any conclusive arrangements for their supply, except in the instance of felling axes, with respect to which, as their construction is better understood in the Colonies than at home, you may use your own discretion.

You will take measures for insuring that there are practicable communications from the old to the new Settlements; and as the prosperity of the Emigrants must be so dependent on the state of the roads in their immediate vicinity, you are particularly directed to give all due attention to this article of your instructions.

For the better preservation of the provisions, you will make such arrangements for putting up storehouses, and clearing and fencing a few acres round them, as you may see fit.

You will supply yourself with such maps, plans, and diagrams of the different provinces, districts, and townships as may be best calculated to show, in the clearest point of view, the relative position of the new Settlements where you intend to place the Emigrants who may be eventually sent out, the extent to which surveys have been actually made, and the extent to which the lands have been disposed of, distinguishing as far as possible those which have been granted and settled from those which have been granted and neglected. The water communications should also be described with all possible clearness and accuracy; and the falls and rapids, as affording eligible spots for the erection of mills and the establishment of villages, should be distinctly pointed out.

It might also be useful to obtain some general information as to the population, price of labour, and value per acre of uncleared lands, in the different townships.

It will be expedient that, in concurrence with the governors, you should select the persons who are to form the settling department, whether as superintendents or otherwise, in the different Colonies, using great caution to make a due selection for so important a trust, and fully explaining that all such appointments are to be clearly understood as entirely contingent on the actual arrival of settlers.

You will perceive that the foregoing Instructions allude more particularly to Nova Scotia, New Brunswick, and Prince Edward's Island, to which provinces the arrangements for the eventual conveyance of Emigrants are at present confined. When you shall have performed the service herein pointed out to you in the above-named provinces, and shall have made a report of what you have done in obedience to this part of your instructions, you will proceed to Lower and Upper Canada, where you will in like manner communicate your instructions to the Governor General in the one, and to the Lieutenant Governor of the other; with the former you will consult on the subject of Emigration generally, and on all points connected with the disposal or settlement of the ungranted and unimproved lands in the different Colonies.

From both Lower and Upper Canada you will bring home similar topographical information to that already described as being required from the other provinces.

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These instructions will insure you the assistance and co-operation of all persons in authority in the Colonies, whether civil or military; and the Surveyor General and other provincial officers will be directed, by the persons administering the respective governments, to supply you with such documents as you may require, the better to enable you to fulfil the duties thus entrusted to you; and should you require any of the books, plans, diagrams, estimates, or other documents, appertaining or referring to the former settling department, and in possession of the deputy quarter master general, or other military departments, the officer commanding the forces will direct the same to be delivered over to you. It is therefore confidently expected, that on your return to England you will be provided with every description of information necessary to enable the Government here to carry into effect a more extensive system of emigration to all parts of British America, should the same be deemed requisite and advisable.

Your return to England will not be required until July or August. You will, however, be expected to use all due diligence, but accuracy and detailed information are of the first importance.

It is to be hoped that the several Colonial Legislatures will provide the funds necessary for surveying the lands and constructing the roads within their respective provinces, or it may, perhaps, be so arranged as to pay for the surveys by a per centage on the land, the same as has lately been done in Upper Canada; at all events, however, it is to be expected that the expenditure to be incurred under these instructions shall not exceed £. 10,000.

Directions will be sent by the Lords Commissioners of His Majesty's Treasury to the senior officers of the Commissariat Department in the provinces where you may be resident, to supply you, under the authority and directions of the persons therein commanding the forces, with such sums as you may from time to time require in the performance of the above-named services, it being, however, understood that you are previously to submit a written requisition to the inspection and consideration of the person commanding the forces, pointing out the cause of your requiring such sum, or the particular disbursements you are about to make with it.

In proceeding from one province to another, you will provide yourself with certificates, signed by the commander of the forces, shewing the total amount you have received in each.

You will be allowed to charge your travelling and other expenses while employed on this service, and on your return to England, the amount of remuneration for the services you have performed will be decided on.

I am, &c.

(signed)

R. W. HORTON.

Copy of a LETTER from Lieutenant Colonel *Cockburn* to the
Right Honourable *R. W. Horton*.

SIR,

18, Half Moon Street, 17th September 1827.

MY Letters of the 8th of April from Halifax, of the 30th same month from Miramichi, and again from Halifax of the 15th June, will have informed you, up to the latter of those dates, of the progress I had made towards the fulfilment of the instructions under which I was sent out. Convinced, however, of the importance of making myself fully understood, and anxious that the information afforded should be as collective as possible, I shall, in commencing the general report which it now becomes my duty to prepare, return to the period of my first arrival in Nova Scotia.

On the 3d of April I landed at Halifax, and immediately put myself in communication with Sir James Kempt, to whom I submitted my Instructions, and from whom I obtained the necessary authorities for being furnished by the Surveyor General, and all other officers of the province, with every information and assistance in their power to afford, touching the service on which I was employed. His Excellency, however, stated at once, that in his opinion, the numerous grants

of land already made in Nova Scotia, (settlers having been placed in nearly every advantageous part of it), would preclude the possibility of finding any disposable tract adapted to the purposes of extensive emigration. The correctness of this opinion, you will perceive, is abundantly confirmed by the map of Nova Scotia herewith transmitted; and which, by means of its different colours, exhibits at one view the relative situation, extent, and quality of all the ungranted lands throughout the province; and although some of the vacant tracts may possibly not warrant the *exact* bearings, or contain the *precise* quantities as therein laid down, I am fully satisfied, that for every purpose of general reference, this document will be found sufficiently correct; to a great part of the labour and pains bestowed on its compilation I was a witness, and feel obliged to the Surveyor General and his son for the assistance afforded in this, and other points connected with their office.

The various other reports, plans, and information obtained in Nova Scotia, and herewith transmitted, tend to a more comprehensive understanding of the map; and still further to establish the fact, that of the total amount of land still remaining at the disposal of the Crown within the province, and which according to the *Surveyor General*, may be estimated at 3,789,000 acres, no one tract can be found containing more than 40,000 acres fit for cultivation.

See Extracts from his General Information Book, in Appendix, A. No. 1.

The large space remaining vacant in the counties of Annapolis, Shelburne, Queen, and Lunenburg, all accounts agree in describing as generally intersected with lakes, ponds, rocks, and barrens; and the ungranted lands in Cumberland, particularly in the neighbourhood of the Cobequid mountain, though well timbered, are known to be rocky, and but little sought after. Were Emigrants, however, to be sent out in small numbers, there are, doubtless, some parts of Nova Scotia well calculated for their reception. The township of Maxwelton in the county of Pictou, for instance, contains, according to the statement of Mr. *Crerar*, the deputy surveyor of the district, 40,000 acres of good vacant land, and easy of access, either from the Gulf of St. Lawrence or the Atlantic Ocean. The county of Sydney, including the adjacent parts of the county of Halifax, Mr. *Wentworth Taylor*, the deputy surveyor of the district, states as containing 120,000 acres of good vacant land, which are also well situated for settlement; it should, however, be observed, that the latter are by no means in one block, and the Surveyor General thinks their quantity may be rather over rated. Information was also obtained of some other tracts of vacant good land of nearly similar extent, though not of such easy access, as likewise of many smaller parcels in various parts of the province; but in no instance could I discover any one connected tract of sufficient importance to justify my incurring the expense of having it explored. Great part of the foregoing information was acquired subsequent to my first leaving Halifax; previous however to so doing, I had heard and seen sufficient to convince me that *New Brunswick* afforded a much finer field for extensive emigration than *Nova Scotia*, and under this impression I was induced at an early period of my inquiries to direct my attention to the relative advantages of the different situations of the various and extensive tracts of land known to be vacant in the former province.

See his Report in the Appendix, A. No. 2.

See his Plan and Report in the Appendix, A. No. 3.

In this, as in every other part of the service I was employed on, I received the most valuable advice and assistance from Sir James Kempt, and I can offer no stronger proof of the superior advantage attached to the situation ultimately fixed upon, than by stating it to have been pointed out by his Excellency, not only as the one in British North America of the greatest importance to have settled, but provided the lands turned out good, as the most likely to conduce to all the purposes required.

Having completed my preparatory arrangements in Halifax, I proceeded on the 10th of April, on my journey towards New Brunswick, by the way of Windsor, Annapolis, and Digby, which afforded me the gratification of seeing a succession of beautiful and extensive settlements, and the means of obtaining much important and practical information; besides, by taking this route *from* Halifax, and that of Onslow, Truro, Pictou, and Guysborough in *returning*, I insured to myself the advantage of passing through the greater and more valuable parts of both provinces, previous to offering any decided opinion on the subject of my mission.

On the 13th of April I reached St. John's, New Brunswick, where I was detained until the 16th, owing to the river not being considered sufficiently clear of ice to admit of the steam boat going up, and the road being at this season (as I believe

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I believe it is at all others) next to impassable. This delay was the more to be lamented, as Sir Howard Douglas was at Fredericton, and I felt averse to making inquiries within the limits of his government previous to having obtained his authority for so doing. The time however was by no means lost, for through the kind attention of Mr. Wedderburne, secretary to the New Brunswick Agricultural and Emigrant Society, I was put in possession of some interesting and useful facts respecting the progress of several emigrants who had been placed upon their lands under *his* immediate observation.

See Statement sent by Mr. Wedderburne, dated 1st May 1827, in the Appendix, B. No. 1.

Mr. Minette, a deputy surveyor, of whom very favourable mention had been made to me, being also at St. John's, I obtained from him much positive and satisfactory information concerning that part of the country between the Miramichi river and Nepisigit on the Bay of Chaleur, through which the proposed new communication between Halifax and Quebec is to run, and which Mr. Minette had been employed to explore and mark out.

On the 27th April I reached Fredericton, and was received by Sir Howard Douglas with that cordiality and kindness which are the best and most gratifying assurances of future co-operation and support. The heads of all his public departments were in like manner ready and anxious to afford every information in the line of their respective employments; but to Captain Hurd, the Surveyor General of the Province, and to Mr. Baillie, the Commissioner of Crown Lands, my thanks are more particularly due; indeed, I know not how sufficiently to express my acknowledgments for the important and continued assistance they afforded me; no means were left untried, no exertion spared by them to supply me with the best and most extensive information; in fact, they seemed identified with the service I was employed on, and as deeply interested in its success as I was myself. Thus aided in the inquiries I had to make, the period of my stay at Fredericton was materially lessened; and on the 23d April, backed by the fullest approval of Sir Howard Douglas in all I was doing, (for his Excellency entirely agreed as to there being every reason for preferring the tract between Petecoudiac and Miramichi to all others for commencing on,) and provided with every description of information judged likely to be useful, I crossed the St. John's river, and proceeded on my journey. I should mention, that amongst the documents taken with me from Fredericton was a map of New Brunswick compiled with the minutest care from the records, plans and reports in the different offices, and the oral information of persons best acquainted with the nature and description of the lands throughout the province. This map, which was prepared in the surveyor general's office for the express purpose of assisting the description of inquiry I was employed to make, proved of the greatest service; and a copy of it made out in like manner, under Captain Hurd's immediate direction, was sent forward with my letter of the 15th June. Mr. Baillie and Captain Hurd would have accompanied me through the parts of New Brunswick I had still to visit, if their official duties could have been so arranged as to have admitted of their so long absence from the seat of government, without danger of inconvenience to the public service. The risk, however, was thought too great; and it was therefore arranged that Mr. Smith and Mr. Beckwith, the former the confidential assistant in the surveyor general's office, and the latter in the Crown Commissioners, should be attached to my party, with directions to remain as long as I might find occasion for their services; and this was deemed the more requisite, not only from the very general knowledge possessed by those gentlemen of every part of the province, and the consequent assistance they would be competent to afford, but with a view of enabling them on returning to Fredericton to explain the object and extent of any measure I might find it right to adopt, and thus, as far as possible, prevent the chance of misunderstanding, in the event of future correspondence with their respective departments.

Mr. Maclauchlan (an officer on the half-pay of the late 104th regiment, and distinguished for his great zeal and activity in Upper Canada, where he was severely wounded), having been recommended by Sir Howard Douglas to fill the situation of superintendent, should emigration take place to any part of New Brunswick, I judged it advisable to procure this gentleman's assistance during the remainder of my tour through the province, deeming it of first-rate consequence to afford him so favourable an opportunity of becoming acquainted with arrangements making in reference to a service, the details of which, if it ever took effect, were to be placed under his superintendence;

superintendence; and well knowing, from his great capabilities and experience as a surveyor, that he was fully qualified to forward and take part in the inquiries I was making.

The distance from Fredericton to Chatham, the port and principal town on the Miramichi river, is about 120 miles. There is a road, such as it is, the whole way; the first forty-five miles of which, by the side of the Nashwauk river and over what is called The Portage, are the worst. We were, nevertheless, very glad, on arriving at the upper part of the south-west branch of the Miramichi, to avail ourselves of water conveyance for the remaining seventy-five miles; and by dint of perseverance, and a determination to get the better of all difficulties, succeeded in reaching Chatham on the night of the 25th of April. A great portion of the country we had passed through during this part of our journey had been lately settled, and afforded constant opportunities of acquiring the best information as to the wants, progress, and capabilities of the settlers, by seeing and conversing with them on the very spots they were labouring to improve. On these occasions, I never failed to inquire their opinions as to the advantage a person would have, if placed on lands with assistance similar to that, which it is proposed should be advanced to those to be sent out by Government, and the power of such person to repay, within a given time, the amount so expended in establishing him. To this inquiry the answer scarcely ever varied, and was as follows:—"Give him good land, and in five years he will be able to commence repaying you at the rate of five pounds a year, or more, provided you consent to receive it in produce. I wish I had ever had such a chance." With respect to repayment in money, they were less confident, and when pressed on this point, seemed to think that the prevailing habit of barter transactions would render the fulfilment of any such arrangement very difficult and uncertain. During the continuance of my tour through the different provinces, the above inquiry was repeated day after day, and hour after hour; and though the persons to whom it was made were of all the different ranks in society, the reply was so generally and entirely to the same effect, that I feel bound to believe the expectation it holds out would seldom fail to be realized, provided the experiment be made under the limits and precautions you have already suggested. Sir Howard Douglas had been good enough to send forward to Chatham, for the purpose of notifying my intention of visiting that place, and requesting that every information and assistance might be afforded me. No sooner, therefore, was my arrival made known, than all the gentlemen of the neighbourhood did me the kindness of calling to offer their services; and before I left Chatham, I really believe I had seen every person in any way acquainted with the quality of the lands for fifty miles round.

In such a mass of information, it is in no way surprising that statements somewhat contradictory were occasionally made. To have taken them all down in writing would have filled a large volume, and tended perhaps rather to confuse than explain. Sufficient will, however, be found noted in the general Remark Book, and other accompanying memoranda, to shew that though the lands immediately fronting on the gulf shore, and through which the new line of road has for the present been opened, are of unequal quality, yet those in rear of the road, and in a direct line between Richibuctoo and Petecoudiac, are generally considered good and fit for settlement. It is in this latter direction, that the great line of communication towards Lower Canada must ultimately be laid out, so as to cross the rivers and streams where bridges can easily be thrown over them, reduce the distance nearly one-third of its present extent, and, by passing through a fine hard wood tract, avoid the low lands, swamps and barrens, described as occasionally occurring in the front. Although during the nine days I remained at Chatham, I was each day more strongly confirmed in the belief that the tract between Petecoudiac and Miramichi, generally speaking, was of a description to answer the purposes of Emigration, I still felt that nothing ought to be left to chance on so vital a point, and more particularly as it concerned a part of the Colonies which it was of such acknowledged importance to the whole to have settled; I therefore determined on sending surveyors through the woods, pointing out the courses which each was to take; and directing them to adopt every means for ascertaining with the greatest possible accuracy, the quality of the lands they passed through; and to meet me again at Richibuctoo, with their several reports. The severity of weather which subsequently took place, unprecedented at so late a period of the spring, materially impeded the accomplishment
of

of this part of my arrangements, and the receipt of some of the reports (extracts from the whole of which are herewith transmitted) was consequently delayed till after my arrival in Nova Scotia.

On the 4th of May I left Chatham, but, owing to contrary winds and bad weather, did not reach *Richibuctoo* until the night of the 9th, though the distance by land is only forty-five miles. *The latter place*, though by no means so populous as the former, is well settled, and I received from the inhabitants every possible assistance and attention. Letters were waiting my arrival from Mr. Maclauchlan, detailing the difficulties occasioned by the bad weather, and stating, that as the surveyors had been driven to seek shelter amongst the settlements, he was fearful I should have left *Richibuctoo* before the services required in the woods could be completed, and had therefore directed Mr. Beckwith and Mr. Jouett, after completing their surveys, to return direct to their homes, and send their reports from thence to await my arrival at Halifax. Of this alteration, I by no means approved; however, all I could do was, to make the best arrangements within my reach, for remedying the evil.

On the 11th of May, I went up the *Richibuctoo River*, as far as it is navigable, stopping to obtain information at different places where settlements had been effected; and a finer water communication, for its extent, I never saw.

On the 14th of May I left *Richibuctoo*, and on the 15th reached *Shediac*, from whence I proceeded to the *Petecoudiac River*, over the first road practicable for wheels, which I had seen since leaving *Fredericton*. The land about "*the Bend*" (for so the place is called) was for a long time considered of inferior quality, and was thereby prevented from being settled as soon and as thickly as might otherwise have been expected. The importance of the situation, however, at last brought it into repute; and the soil now proves to be as productive as any in the province. The number of houses which have lately been erected, give it the appearance of a town; and although no regular village has been laid out, there is already some difficulty, and much expence, in procuring a space sufficient for a building lot. This place stands on the isthmus through which the land communication between Nova Scotia and all parts of New Brunswick and the Canadas does and must continue to pass. The distance from it to the Gulf of St. Lawrence at *Shediac*, is only sixteen miles; to the Bay of Fundy, either by land or water, about twenty; the river being navigable so far up for schooners of the largest class; and the road to *Halifax* good for carriages of any description the whole way. With such advantages of situation, the *Bend of Petecoudiac* cannot fail of rapidly increasing in population and importance; and I have been more detailed in describing it, on account of its immediate vicinity to the new townships now laying out. At *Petecoudiac*, I was met by Mr. Smith, who had left me at Chatham, and to whom I had entrusted the exploring that part of the vacant lands between *Richibuctoo* and *Petecoudiac*, situated to the rear of the settlements on the Gulf of St. Lawrence. Notwithstanding all obstructions of wind and weather, this gentleman had performed the service allotted to him in a masterly manner; and his plan and report were so clear and explanatory, as to warrant every confidence in the favourable accounts which they detailed.

During my stay at the *Bend*, I received information of a tract of vacant land on the other side of the river, said to amount to two or three hundred thousand acres, and to be throughout of first-rate quality; and as this *new* tract was in the immediate vicinity of the lands to which my attention had been so strongly directed, I did not hesitate again to avail myself of the services of Mr. Smith, and directed him to proceed forthwith to explore it, and having done so, to meet me with his plan and report at *Truro*.

On the 18th of May, I left *Petecoudiac*, and proceeded to *Dorchester*, passing over roads and through settlements that would do credit to any country. On the 19th, I reached *Westcock*, the residence of Mr. Justice Botsford, a gentleman whose general knowledge of the topography, capabilities, and interests of the province, it is admitted, cannot be excelled, and to whom Sir Howard Douglas had written, stating the probable time at which I should pass through his neighbourhood (the parish of *Sackville*) and requesting him to afford me every information and assistance in his power. To a person of whom such frequent and favourable mention had been made to me, I was most anxious of becoming known; and on obtaining that advantage,

did not fail to enter with him most fully on the various points connected with my mission, and to seek his candid opinions and advice thereon. The result was in every way most satisfactory, for in no one instance, have I met with a person more conversant on the subject, or more sanguine as to the great and general advantages to be derived from an extensive and well-regulated system of Emigration. His approval of the situation selected for commencing on, was decided and unqualified; and of such high importance to the security and welfare of British North America generally, but more particularly to New Brunswick, does he consider the opening the new proposed great line of communication towards the Canadas, that he offered, during the intervals of official occupation, his personal assistance in laying it out, or in any manner connected with it, wherein he could be made useful. Amongst other papers herewith transmitted, you will find a letter from Mr. Botsford, addressed to me some time after I had left him, and in which, after time for further consideration, you will perceive he recapitulates the same opinions. His observations respecting the consequences which have arisen from the very extensive and unrestricted choice of soil, hitherto allowed to persons obtaining lands in the colonies, are highly valuable, and repeated proofs of their accuracy have come within my own knowledge.

See Appendix, B.
No. 2.

On the 20th of May, accompanied by Mr. Botsford, I left Westcock for Bay Verte, a harbour for small vessels on the Gulf of St. Lawrence, and one side of which is in New Brunswick, the other in Nova Scotia. One of the objects of this visit was to see an old established and very respectable settler of the name of Chapple, of whose practical knowledge in every point connected with new settlements Mr. Botsford had a high opinion. From both Mr. Chapple and his son much useful information was obtained; and here again I had the gratification of finding my previous opinions and calculations fully confirmed.

See Appendix, B.
No. 3.

On the 21st May we left Bay Verte, and, after passing through a beautiful country, reached Amherst in Nova Scotia, where I took leave of my excellent and zealous friend the Judge, and proceeded the same evening on my route to Truro. After leaving Amherst, the country became less settled until I had passed the Cobequid Mountain; but on entering the township of Londonderry, I again found myself in the midst of flourishing settlements; and the same favourable appearance may, generally speaking, be said to have prevailed during the remainder of my tour in Nova Scotia. On arriving at Truro, on the 22d May, I received your letter of the 9th March. On the 23d, I was employed making inquiries respecting the vacant lands in the township; the only person, however, who proved qualified to give information on the subject, was Mr. Miller, the deputy surveyor of the district, by whose account it appears that the quantity still remaining to be disposed of is inconsiderable.

See his Statement,
Appendix, A. No. 4.

On the 24th, Mr. Maclauchlan and Mr. Smith arrived, and I was much gratified at receiving most encouraging accounts of the lands they had been employed to explore. The Shepody Tract (that which Mr. Smith had last passed through) proved in every respect equal to the very favourable accounts received of it at Petecoudiac. Mr. Maclauchlan's account of the lands he had passed through was also decidedly good; and this, together with the *former Report* of Mr. Smith and that of Mr. Layton, received while I was at Westcock, and various other opinions and testimonies to the same effect, put me entirely at ease as to the tract between Petecoudiac and Miramichi being fit for settlement. From Truro Mr. Smith returned by the Bay of Fundy and St. John's to Fredericton; and on reaching the latter place, was to commence, under the superintendence of the surveyor general, the different maps and plans which I required to take to England, and which he had so well qualified himself to make out correctly. Your letter of the 7th February, received at Miramichi, having enjoined the putting off as much, and to as late a period as possible, the incurring any expense for the special purpose of Emigration during the present year, I was of course most anxious to delay, as long as circumstances would safely admit of my so doing, the carrying into effect that part of my instructions, which directed that the necessary measures should be taken for having 300,000 acres of the waste lands of the Crown surveyed, and I therefore gladly availed myself of Mr. Maclauchlan's *voluntary* and very handsome offer to continue with me until I reached Halifax, thinking it very probable on arriving there I might receive still later directions from you.

Appendix, B. No. 4.

See their Plans
and Reports,
Appendix, B. No. 5.

On the evening of the 24th May I arrived at Pictou. On the 25th saw Mr. Crerar, the deputy surveyor, whose report has already been alluded to, and ascertained

ascertained that the vacant lands in the district did not exceed 50,000 acres altogether, but those were easy of access. In the evening I embarked on board the Government vessel Chebuctoo, which Sir James Kempt anxious in every way to facilitate the service I was engaged in, had sent to meet me, with orders to the master to place himself under my directions.

On the 26th May I reached Prince Edward's Island, where I remained till the 30th, on the evening of which day I again embarked on board the Chebuctoo for Cape Breton. During my stay at the island, I employed each day in visiting different parts of it. *The climate, soil, and situation are all highly favourable*, but the lands remaining at the disposal of the Crown would not amount altogether to upwards of 30,000 or 40,000 acres. Of these, about 15,000 are situated in *Township 55*, and 12,000 in *Township 15*. I saw the surveyor general of the island, but could obtain no additional information from him. On the 4th of June, I landed at Louisburg, formerly the principal establishment of the French in the Island of Cape Breton, and in those days a place of considerable extent. The harbour is one of the finest in America, *and never frozen up*. From Louisburg (where there are at present but a few fisherman's huts) I proceeded at once to Sydney. The distance is about twenty-five miles, the first twelve of which are wretched, and through a country which appeared to be rocky and stony, though producing in some places a growth of hard wood. Previous to my leaving Halifax, Sir James Kempt had written to Captain Crawley, the surveyor general of Cape Breton, apprizing him of the period about which I might be expected to visit the island, and requesting him to obtain every possible information, and have a map, similar to those already described, prepared against my arrival. On reaching Sydney, and putting myself in communication with the surveyor general, I had the satisfaction of finding that the instructions of Sir James Kempt had been in every way fulfilled; and the map of Cape Breton herewith transmitted (compiled and finished by Mr. W. H. Crawley, the deputy surveyor general of the island) may, I have no doubt, be entirely relied on, and certainly is a document to do credit to any office. The climate and situation of this island are much on a par with Prince Edward's. The soil, though of different description, and not of the same even quality throughout, may in many places be considered equally productive. The vacant lands are more extensive, and may altogether certainly be estimated at 500,000 acres; of these, the tracts extending from the St. Denys River to the road leading from Port Hood to Whykokamah Basin, and containing about 50,000 acres, and that below, or to the southward of the St. Denys, and extending to the road leading from Hawksbury to St. George's Channel, and containing about 60,000 acres, may be considered among the best. These tracts are merely divided by the River St. Denys, and the narrow line of settlements established on its banks. The tract extending from the sources of the Miray River to St. Peter's Bay, and lying between the Atlantic Ocean and the Bras d'Or Lake, also contains from 50,000 to 80,000 acres of land, generally speaking, supposed fit for settlement. The above make up but a small proportion of the disposable lands; but I have quoted them as being better known and very generally spoken of as good. The lands on the shores of the Bras d'Or Lake have nearly all been granted.

See Papers in Appendix, C. No. 1.

See Appendix, D. No. 1.

On the 6th June, having obtained all the information which could be required at and in the neighbourhood of Sydney, I set out for St. Peter's Bay, taking the route by the Portage and Bras d'Or Lake. The total distance is about fifty miles, thirty-five of which were by means of this most beautiful of all water communications. At St. Peter's, I obtained much useful information from the Reverend Mr. *M'Leod*, the Catholic clergyman, and from Mr. *Kavenagh*, Member of the Provincial Parliament, and one of the oldest and most respectable inhabitants of Cape Breton.

See their Statements, Appendix, D. No. 2.

On the evening of the 7th of June I again embarked on board the Chebuctoo, and on the 8th reached Arichat, a beautiful harbour in L'Isle Madame, where I saw Mr. Luce, a deputy surveyor, who had been mentioned to me by Captain Crawley and others, as particularly well qualified to give accurate information respecting the lands in the southern district, and as, moreover, possessing much general information respecting the whole Island. Mr. *Luce's statements* were decidedly favourable respecting the lands, and his opinions equally so respecting emigration. This gentleman appeared to be quite master of the subject, and from his zeal, intelligence, and experience, fully to deserve the favourable mention I had frequently heard made of him.

See Appendix, D. No. 3.

On the evening of the 9th I arrived at Guysborough in Nova Scotia, one of the most beautiful places I ever saw, and where I had a long interview with Mr. Wentworth Taylor, the deputy surveyor for the county, whose information and reports have already been referred to.

On the 11th of June I returned to Halifax, where I received Mr. Baillie's letter of the 11th of April, together with a copy of the "Minutes of Evidence," to the 3d of April, and the Second "Report of the Emigration Committee." *The paragraph in the latter in page 5*, which states that the Committee had been informed that preparations were actually made in Nova Scotia for the reception of emigrants at a very short notice, appeared to me to refer so pointedly to the arrangements I had been sent out to make, that I no longer felt justified in delaying to have the 300,000 acres surveyed, as directed in my instructions. I therefore immediately wrote to Sir Howard Douglas, requesting his Excellency to give the necessary directions to the Surveyor General of New Brunswick, for laying out on the tract marked E., six townships, each to contain 500 lots of 100 acres; and further recommending that the offer of Mr. Maclauchlan, for performing this service, might be accepted. In expressing a wish as to the person to be employed in laying out the new townships, I was actuated by the very low terms contained in Mr. Maclauchlan's proposal, the advantage he would derive, if employed as superintendent, by a previous knowledge of the nature and quality of every lot in the settlement, and the importance of having him on the spot should emigrants have been sent out in conformity with the recommendation of the Committee. The detailed plan of the new townships herewith transmitted, shows their exact situation, the courses of the numerous and beautiful rivers running through them, and their very short distance from the harbours of Shediac, Cocagne, and Richibuctoo, all of which are annually made use of to a considerable extent by the ships coming out for timber. During the short time I remained at the latter place, upwards of twenty vessels arrived from England, their passage averaging from twenty to twenty-five days. The plan also shews the extent of the old settlements with which the new townships are surrounded, and the precise direction in which the great line of communication between Nova Scotia and the Canadas will be opened; and a reference to the map of New Brunswick, already transmitted, will show in how easy and connected a manner these new townships may be extended over millions of acres eligibly situated for settlements, and consisting of lands reported fit for cultivation. I also forward herewith a plan of the lands surveyed by Mr. Smith on the right bank of the Petecoudiac River, and extending towards the Bay of Fundy. On the 15th June I had the honour of sending you a brief account of my proceedings up to that date, together with two Estimates, and the offers and details upon which they were formed, for sending out and sufficiently establishing emigrants on their lands; one of these made the total expense for a family, consisting of a man, a woman, an adult, and two children, amount to 66*l.*, or 13*l.* 4*s.* each individual; the other to 56*l.* the family, or 11*l.* 4*s.* for each individual. I have had no cause to alter the opinions on which these estimates were formed; on the contrary, further experience has still further confirmed them.

See Appendix, E.

On Sunday the 17th of June, I embarked on board His Majesty's ship Alligator, for Quebec, where I arrived on the 28th of the same month. On the evening of the 30th June, I left Quebec on my way to Upper Canada, and on the 1st July waited on Lord Dalhousie at Sorel. On the 4th July I reached Perth in Upper Canada, where I remained several days, during which I was constantly employed in obtaining information as to the actual state of the settlements. Many of my old friends, of both army and navy, and other inhabitants of the place, were kind enough to accompany me in my visits to the farms of different settlers. As far as I saw, or could obtain information, all was *prosperity, happiness, and content*; and I was particularly gratified at finding that, so far from the assistance originally afforded being forgotten, it was *invariably referred to, and gratefully acknowledged*. Amongst other farms, I visited some on which the settlers taken out by Mr. Robinson in 1823, were placed. I found the latter settlers quiet, industrious and contented, proceeding regularly in the clearing of their lands, and already in possession of property not only sufficient to place them far beyond the reach of want, but to offer ample security for the repayment of any sum that could have been expended in establishing them. The *twenty-two Statements* herewith transmitted, seem to me to put at rest all doubts respecting the capabilities of settlers to make repayment. The *twelve first* were taken down without the least previous notice or arrangement

Appendix, F. No. 1.

arrangement of any sort or kind, in the following manner:—I went to the house of Mr. Morris, a merchant in Perth, and member of the Provincial Parliament for the Bathurst District; and as the settlers came to his warehouse, which is adjoining, to purchase such articles as they stood in need of, they were invited to an interview, during which I inquired as to the period of their locations, the assistance they had received, the extent of their clearings and buildings, the amount of their stock, and their opinions, grounded on their own practical experience, of a settler's capability to commence at the end of five years to make repayment of the amount expended in sending him out, and establishing him on lands. The answers in some instances are in their own writing; in others, they were taken down in *the very words made use of by the settlers*. Amongst the later statements, will be found one from Captain M'Millan, of the late Glengary Fencibles, who has resided at the settlements from their commencement; and another from the Reverend Mr. Harris, the protestant clergyman of the place; but it is useless to trouble you with the opinions of individuals on a point where all appeared so entirely to agree; and I can safely assure you, that in perusing the statements alluded to, you may consider them as conveying the opinions of the whole settlement. Were any thing further, however, required to establish the soundness of these opinions, I would offer to your consideration the important and corroborating fact, that the Lanark settlers sent out in 1820 and 1821, and who received a loan in money from Government, under an agreement to commence repayment at the expiration of ten years, have in very many instances notified to Mr. Shaw, the clerk of the establishment, their anxiety and capability to commence repaying at once, if Government would consent to take produce delivered in Perth or Lanark, in lieu of money. I also enclose a *Population Return*, and an aggregate Account of the rateable property in the Bathurst district; and when all these documents are taken into consideration, with the recollection that about thirteen years ago I visited this part of the country, passing through the woods (for not a stick had been cut at the time), to seek for a site on which to commence, and that the town of Perth has now three handsome churches, a gaol, and court house, and trades of every description established in it, the result may, I think, tend to satisfy even the most cautious, of the benefits which may fairly be expected from a well regulated system of Emigration. Before I quit this part of my Report, it may not perhaps be amiss to state, that during the earlier years of these settlements it was frequently urged as a strong ground for objecting to the expense attending their furtherance and support, that the moment the settlers were put in possession of their patents, they would dispose of their lands, and go over to the United States. I cannot express to you how much I was gratified at finding the event diametrically in proof against these forebodings of evil. In some instances, alterations in family circumstances at home, or failure in mercantile speculations on the spot, may have induced or compelled individuals to part with their lots; but whenever this has been the case, and the instances I repeat are few, the purchasers have been from those belonging to the settlement, and who at their first coming to it were not worth five shillings in the world. The fact of having redeemed their farms from the wilderness, at the price of their own labour and exertions, seems to enhance to the settlers the value of the locations they possess; and so far from their inclining to quit the settlement, the prevailing wish was to obtain more land, that they might with more safety extend the limits of their present improvements. Many were prepared with the means of purchasing, but I met with none who were inclined to sell.

See Appendix, F.
No. 2.

On the morning of the 10th July I reached York in Upper Canada, and on the 11th waited on Sir Peregrine Maitland at Niagara. There does not appear to be any *vacant tract* of good land remaining in Upper Canada, unless recourse should be had to remote situations; but on this and other points connected with Emigration, Sir Peregrine Maitland signified his intention of writing to you himself. His Excellency, however, appeared fully aware of the importance, and highly to approve of the opening and settling the proposed new line of communication between Halifax and the Canadas.

See Major Hillier's
Letter,
Appendix, F. No. 3.

On the 14th July I got back to Montreal, where I remained a day or two, to obtain information from some of the *first-rate mercantile houses* as to the prices of provisions and transport through the Canadas. On the 16th of July I had the honour of again waiting upon his Lordship the Governor-in-Chief, at Sorel, who *entirely approved* of the situation chosen for commencing on, and fully *concurred in the motives* which have led to the decision. For his Lordship's Opinions, as to the

See offers in
Appendix, F. No. 4.

Appendix, G. No. 1.

parts of Lower Canad best adapted for settlement, I beg to refer you to the communication herewith transmitted, and which his Lordship was good enough to forward to me at Quebec.

Appendix, G. No. 2.

On the 17th, I returned to Quebec, and immediately put myself in communication with Mr. Bouchette, the Surveyor General of Lower Canada, respecting the vacant lands throughout the province, but more particularly concerning those which had been referred to by his Excellency the Governor-in-Chief. The Reports, Plans, and other explanatory documents furnished by Mr. Bouchette, are so clear and comprehensive, that a reference to them, will at any time afford the fullest information; and I beg here to express my acknowledgments to Mr. Bouchette, for the pains and trouble he took to supply me, not only with all I required, but with every thing he thought might in any way prove of service; as also to offer my testimony to the extensive information, excellent arrangements, and ready assistance at all times to be met with in his office. Having thus, as I hoped, obtained information on all the various points alluded to in my instructions, I embarked at Quebec on the 26th July, and landed in England on the 11th of September.

In the foregoing account of my proceedings, I have merely pointed to the leading features of my inquiries. To have entered into minute details, would have exceeded the limits of a letter; but should Emigration be encouraged, I feel confident in assuring you, there is scarcely any point connected with the practical part of it, on which I am not prepared to afford every information that can possibly be required.

I have the honour to be, &c. &c.

(signed) *Francis Cockburn*, Commissioner.

Right honourable Robert Wilmot Horton,
&c. &c. &c.

N. B.—The Appendix to Colonel Cockburn's Report, will be presented to the House of Commons as soon as copied.

UPPER CANADA.

F. N° 1.

COPIES of STATEMENTS from Settlers at Perth, in Upper Canada.

N° 1.

Sir,

Perth, 6th July 1827.

UPPER CANADA.

Appendix, F.
No. 1.

TO your question, "whether Settlers, at the end of five years, would be able to repay Government the sums advanced on their account, at the rate of five pounds per year, until the debt is repaid?" my reply is, That there cannot be a doubt upon the subject, provided Government will not urge the repayment to be made in cash, but would be pleased to permit the same to be made in produce, such as wheat, &c. And to corroborate this answer, I beg leave to say, that, upon the disbandment of the regiment, I was with my family, along with others, provided with a passage, and, upon my arrival at Quebec, was located by the Quarter Master General's department to land in this settlement, and was immediately transferred to it at the expense of Government, for, as a discharged soldier, I had not a penny in my pocket. From the time of my arriving here I received one year's provisions, with various implements and utensils from Government, which, with the blessing of God, and my own industry, enabled me to make a comfortable situation for myself and family; and at the end of five years I had a good house and barn, with shades for cattle, built; about twenty-five acres well cleared and cropped, a yoke of oxen, three cows, and other live stock, and would not have taken, if offered, 150 *l.* for my property; and now, at the end of nine years, 300 *l.* would not induce me to part with my property.

I have, &c.

(signed) *James Young*,
Serjeant late 103d Regt.

To Col. Cockburn, &c. &c.
Perth.

AND REPORT ON EMIGRATION.

13.

N° 2.

Sir,

7th June 1827,

In reply to your different questions, I beg to state, That I was located by Colonel Marshal in August 1819. I have at this moment, under improvement, at least twenty acres, and I have, in addition, twelve acres chopped, which will be ready for crop next year; I possess one yoke of oxen of the very best kind, two excellent cows, one bull, twelve hogs, one potash kettle, which I paid the sum of twenty-three pounds fifteen shillings for. My brother and myself have provided provisions each one year, for John M'Gee, wife, and six children (my brother, and J. M'Creary, brother-in-law.) I had not five cobs commencing, and at this moment I do not owe one shilling.

UPPER CANADA.

Appendix, F.
No. 1.

I am, &c.

To Col. Cockburn, &c. &c.
Perth.(signed) *Wm. M'Gee.*

N° 3.

Perth, Upper Canada, 6th July 1827.

I, John Donald, a Settler of Lanark, located by Colonel Marshal, in 1820, six or eight weeks after my arrival at Quebec; had then my wife newly married; had no money; was one of the Lesmahagow Society. Would not now take one hundred pounds for what I have, which is two good cows, a two-year-old heifer, a yoke of good oxen, five sheep, a number of swine, a calf, one hundred acres of land, fifteen of which are cleared and a good crop on them.

(signed) *John Donald.*

P. S.—I owe no one a penny; never received any assistance from any one.

(signed) *John Donald.*

N° 4.

Sir,

Perth, 6th July 1827.

To your question, "whether Settlers would be able to repay the Government the sums advanced on their account, at the end of five years, at five pounds per year?" I answer, That it is my opinion they would: and as a proof, I beg leave to state, for your further information, that I was discharged from the late 103d regiment previous to that corps leaving this country, and was sent by the Quarter Master General's department to this settlement, where I received a grant of land, with a year's provisions and implements. I had not a single shilling at the time of my settling upon my land; but at the end of five years my property was worth 100*l.*, having a yoke of oxen, two cows, a house and barn, with upwards of twenty acres cleared.

I am, &c.

(signed) *Wm. Watson,*
Serjeant, late 103d Regiment.

To Col. Cockburn, &c. &c.

N° 5.

Sir,

Perth, 5th July 1827.

I was located in Lanark in the year 1820, and had not one shilling of a capital. I now have about twenty-five acres of land cleared, one yoke of oxen, two cows, two calves, nineteen sheep and six hogs, and am free of debt, what I never could have been had I remained in my native isle. I would not take less than 150*l.* for all my property.

(signed) *Henry Haman.*

Received implements, but no rations.

109.

I do

UPPER CANADA.
Appendix, F.
No. 1.

I do think that any man would be able to repay the amount advanced by Government to him, commencing at the end of five years, at the rate of five pounds per year.

H. H.

To Col. Cockburn, &c. &c.

N° 6

Sir,

Perth, Upper Canada, 6th July 1827.

It is my intention to inform you, I entered this settlement on its commencement, say in 1816, with my wife and a family of eight children, the eldest being then but twelve years of age, and but the small sum of four shillings and sixpence was I possessed of. By the assistance of Government in serving me with rations, implements, &c. I contrived, with industry, to live, so that at the termination of five years, I had thirty acres of land under cultivation, a yoke of oxen, four milch cows, and several head of young cattle, with twelve sheep, hogs, &c. &c.; the whole of which I at that time valued at 125 £; and at present, having increased my stock to two yoke of oxen, and nineteen other head of horned cattle, thirty sheep, forty hogs, &c.; my family being likewise increased to twelve children, with my father and mother in the house; that I therefore value my property, stock, &c. &c. &c. at the lowest estimation this day, to be 300 £ H. currency.

I have, &c,

(signed)

John Tatlock.

I do not hesitate to state, that any industrious person would have it in his power to be alike independent in the space of five years, and have it in his power to pay five pounds without any inconvenience.

To Col. Cockburn, &c. &c.

N° 7.

Sir,

Bathurst, 6th July 1827.

In answer to your question, if a person sent out by Government to this country, and furnished with money to set him fairly agoing on a farm, would be able to commence and repay the amount at the rate of 5 £. per year in produce; I certainly say, Yes. I have been in this country eleven years, and have now about forty-seven acres cleared, a yoke of oxen, four cows, six young cattle, twenty-six sheep, besides pigs, poultry, &c.; and I consider my farm at this moment worth at least 250 £, and the stock 130 £. When I came to this country I had nothing, and only received rations for one year.

(signed)

Wm. Oley.

N° 8.

Sir,

Bathurst, 4th July 1827.

In answer to your question, if Settlers at the expiration of five years would be able to pay to Government the sums advanced to them, at the rate of 5 £. per year, until the whole is repaid; I beg leave to state, That I have not the least doubt but they would be able so to do, especially if the amount is taken in produce. As an instance, I beg to say, that I was discharged from the Canadian Fencibles, and sent on my land with 6 £, and I have now twenty-five acres of cleared land, a yoke of oxen, two two-year-old heifers, two yearlings, two spring calves, one horse, twenty sheep, besides pigs, poultry, &c.; and I consider my farm stock worth at least 250 £; and I feel that any industrious man may do as well. Indeed, some of my neighbours, who have better lots of land, are more flourishing.

I am, &c.

(signed)

Joseph Legary.

To Colonel Cockburn, &c. &c. &c.

AND REPORT ON EMIGRATION.

15

N° 9.

Sir,

Ramsay, 6th July 1827.

In answer to your inquiry respecting my property, and if I consider that a Settler would be able, at the end of five years, to commence repaying to Government the amount they might advance him; provided it was produce, I have not the least hesitation in saying, That any person would be able to do so with the greatest ease.

UPPER CANADA.
Appendix, F.
No. 1.

I came to this country in 1823 from Ireland, under the charge of Mr. Robinson, and received rations for one year. I have now, with the exertions of myself and son, cleared upwards of twenty acres of land, and have a yoke of steers, five milch cows, two yearlings, besides pigs, poultry, &c.; and I consider my lot and crop worth at least £.200; add to this, I am happy and contented.

I am, &c.

(signed)

Michael Corkery.

N° 10.

Sir,

Ramsay, 6th July 1827.

I beg to inform you that I came to this country with Mr. Robinson, and have now about twenty acres cleared, a yoke of steers, one cow, three calves, pigs, poultry, &c. I did not receive rations; and am well contented with my lot, and consider it worth 100 £.

I am, &c.

(signed)

His
James X Sheil,
Mark.

N° 11.

Sir,

Ramsay, 6th July 1827.

I came to this country from Ireland with Mr. Robinson, and received rations for one year; and I have now seven acres cleared, a yoke of steers, a cow and a calf; and I certainly do think that an industrious man may repay to Government the expense attending his location, and if they do not require it to be paid sooner than five years, and then by instalments in produce at 5 £. per year; and I do consider my farm worth now 80 £.

I am, &c.

(signed)

His
Cornelius X Ryan,
Mark.

N° 12.

Sir,

Ramsay, 6th July 1827.

In answer to your enquiry I beg leave to say, That I have not the least doubt but that any industrious man may be able to repay to Government the expense incurred by placing him on land, provided produce is taken, and commenced at the end of five years, at the rate of 5 £. per year. I came to this country with Mr. Robinson in 1823, and have at this time twenty-six acres cleared, a yoke of steers, four years old, one cow, two heifers, two steers, and pigs, poultry, &c. I am well pleased and happy, and would not take 100 £. for the lot, independent of the stock, &c.

I am, &c.

(signed)

his
Patrick X Haly.
Mark.

N° 13.

Sir,

Perth, Upper Canada, 10th July 1827.

In answer to your questions relative to Settlers, I beg leave to state, for your information, That most of the settlers who were located here ten years ago, are now
109. prosperous

UPPER CANADA.
Appendix, F.
No. 1.

prosperous and contented, with from twenty-five to sixty acres on an average cleared land, and possessed of a yoke of oxen, from two to four cows, from six to ten young stock ; pigs, poultry, &c. in proportion ; and many, a pair of horses.

With respect to settlers, to whom His Majesty's Government may advance money, being enabled at the expiration of five years to commence repaying the money so advanced, at the rate of 5 *l.* per annum, I have not the slightest hesitation in saying, that every settler who may be located in ordinary land can do so with ease, particularly as produce will be taken ; and I do not think there are at this moment, in the military settlements, twenty individuals but were prepared to pay that sum or more.

In my neighbourhood, and within my own observation and knowledge, many of the discharged soldiers and emigrants have purchased an additional 100 acres, or when that could not readily be accomplished, taken on lease the Clergy Reserves.

I have, &c.
(signed) Christopher J. Bell, J. P.

N° 14.

Sir, Perth, 7th July 1827.

I beg leave to forward you a return of the Births, &c. that have taken place in this part of the Military settlements, from the year 1816 up to the present period. I should have wished to have forwarded a more accurate statement, but the shortness of the time prevented me from so doing. I would, however, remark, that the list I now send includes only that part of the settlement that comes under the immediate observation of the ministers of the different denominations residing in Perth.

On the subject of your inquiry, whether I think that Emigrants being sent out at the expense of Government, and receiving further assistance from them, will be able to refund in annual payments of five pounds, after the expiration of five years from the time they are located ; I have no hesitation in giving my opinion, That I think they could, provided they are industrious, and situated on good land. As one of the ministers of the established church in this country, I have had many opportunities of remarking the gradual improvement of the emigrants residing in this quarter, and I have no doubt that the greater number of them would willingly have complied, if such terms were held out to them upon their coming out to Canada, if I may judge from the prosperous condition they are now in.

I remain, &c.
(signed) M. Harris.

	Baptisms.	Marriages.	Deaths.	
Episcopalians - -	1,030	273	53	{ From 18th October 1819, to the present period.
Presbyterians - -	494	157	- - -	{ From 18th October 1817, to the present period.
Roman Catholics - -	373	72	36	{ From 16th April 1823, to 7th July 1827.

N° 15.

Sir, Perth, 9th July 1827.

In answer to your question, I beg leave to state, That I came to the Perth settlement at nearly the commencement, and from the way that I have got on myself I have not the least hesitation in saying, that a man placed on a lot of land, under the same circumstances as those of this settlement were, will be able to commence to pay back the amount advanced on his account, at the end of five years payable in produce. My own lot, with stock, &c. was worth 150*l.* at the end of five years.

I am, &c.
Colonel Cockburn, &c. &c. (signed) James Ferguson.

AND REPORT ON EMIGRATION.

17

N° 16.

Sir,

Perth, 9th July 1827.

From my own experience I know that a man placed on a lot of land, with the same advantages which the Perth settlers have had, will be able, at the end of five years, to commence paying back the amount advanced on his account, at the rate of five pounds per year in produce. I came to this settlement in 1817. I did not get rations from Government, and I had no money of my own, but went out to work occasionally. At the end of five years I had a good deal of produce to spare; and since, I have purchased an additional lot of land, for which I paid thirty pounds in cash; and my property at present is very valuable.

UPPER CANADA.

Appendix, F.
No. 1.

I am, &c.

(signed) *Duncan M'Laren.*

N° 17.

Sir,

Perth, 9th July 1827.

In answer to your question, I beg leave to say, That I am one of the Lanark settlers, and, from the manner I have got on myself, I have every reason to believe that an industrious settler would be able to commence paying back the amount advanced on his account, at the rate of five pounds a year, in produce.

I am, &c.

(signed) *James Lindsay.*

N° 18.

Sir,

Perth, 9th July 1827.

In answer to your question, whether a man, placed on a lot of land under the same circumstances as the Perth Settlers were, will, at the end of five years, be able to commence paying back the amount advanced on his account, at the rate of five pounds a year, in produce,—I certainly think an industrious man can. I was one of the first settlers that came here, and before the end of the fifth year I had more than 300 bushels of wheat to spare. I have made extensive improvements on my land, besides purchasing an additional lot, for which I paid 90*l.* in cash.

I am, &c.

(signed) *John Greenby.*

To Col. Cockburn, &c. &c.

N° 19.

Sir,

Perth, 9th July 1827.

In answer to your question, I beg leave to state, That I have been one of the first of the Perth settlers, and, from the way that I have got on myself, I have not the least hesitation in saying, that an industrious man, placed on a lot of land, with the same advantages which we have had, will be able, at the end of five years, to commence paying back the amount advanced on his account, at the rate of five pounds per annum in produce.

My property, at the end of five years, was worth 200 *l.*

I am, &c.

(signed) *William M'Pherson.*

N° 20.

Sir,

Perth, 10th July 1827.

Captain M'Millan having requested to know my opinion as to whether Settlers, on coming to Canada with the same advantages as those who first were located by
109. Government

UPPER CANADA.

Appendix, F.
No. 1.

Government in the Perth settlement, could, at the end of five years, begin to repay the advances made them, by yearly instalments of five pounds, I have no hesitation in saying, that I think they could with great ease; provided such payment was to be made in produce, and emigrants placed on good lots of land. During a residence of nine years in this settlement, I have remarked that, in about five, an industrious farmer may call himself independent; at any rate, he will be able to raise abundance of food, and may, without any inconvenience, spare a small proportion of his surplus produce at a fair price. But much depends upon the quality of the soil, and the disposition of the settler.

(signed) *J. A. Murdock.*

Post Master, Lanark.

N° 21.

Sir,

Perth, 9th July 1827.

Having been applied to by Captain M'Millan to state my opinion as to the ability of Settlers, after a residence here of five years, to reimburse Government for the expense of locating them on their land,—I am decidedly of opinion, that an industrious man, on a good lot of land, can easily pay five pounds a year in produce, after the first five years. But the land that has come under my observation varies much in the quality of the soil, from very good to very bad. My opinion, therefore, only refers to the good land. I know many families that can barely support themselves on bad land.

I am, &c.

Colonel Cockburn, &c. &c. &c.

(signed) *John F. Elliott.*

Sir,

Perth, Upper Canada, 9th July 1827.

In answer to your question, I beg leave to state, That I have been a constant observer of the manner that the settlers of the Perth settlement have got on from almost the commencement of the settlement; and from what has come under my own knowledge, I have not the least hesitation to give it as my opinion, that a man placed on a lot of land with the same advantages as enjoyed by the above-mentioned settlers, will at the end of five years be able to begin to pay back the amount advanced on his account, at the rate of five pounds a year, payable in produce.

I also beg leave to state, that at the end of five years, if the settler is industrious, he can make his property worth from 100*l.* to 130*l.* I know many farmers in my neighbourhood, whose property was worth 200*l.* at the end of five years, that would not take 300*l.* for their present property; and many have purchased second lots, who had not five shillings when located. Of this I have a full knowledge, in consequence of being registrar of the county.

I have, &c.

(signed) *Alexander M'Millan,*

Captain, H. P. Glengary Light Infantry.

EMIGRATION.

Return to an Address of the Honourable The House of
Commons, dated 4th March 1828 ;—*for*

Copy of the REPORT, laid before the Colonial Department by Lieut. Colonel *Cockburn*, on the subject of Emigration ; together with the Instructions received from that Department on 26 January 1827.

Ordered, by The House of Commons, to be Printed,
10 March 1828.

EMIGRATION.

FURTHER RETURN to an Address of the Honourable The House of Commons,
dated 4th March 1828 ;—*for*

Copy of the REPORT, laid before the Colonial Department by Lieut. Colonel
Cockburn, on the subject of Emigration ; together with the Instructions received
from that Department on 26 January 1827 :—*VIZ.*

Appendix to Colonel Cockburn's Report*.

*No. 109.
*Ordered to be
printed 10 March.*

Colonial Department, }
Downing-Street, }
14th March 1828. }

F. LEVESON GOWER.

Ordered, by The House of Commons, to be Printed, 17 March 1828.

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APPENDIX.

NOVA SCOTIA.

(A.)—No. 1.

EXTRACTS from the Letter and General Information Book of C. Morris, Esq.
Surveyor General of Nova Scotia; and from a Letter of J. Spry Morris, Esq.
Assistant Surveyor General in the same Province.

Surveyor General's Office,
Halifax, Nova Scotia, 25th June 1827.

SIR,

I HAVE the honour to report, that, in pursuance of your Instructions (which I was authorized and commanded by his Excellency the Lieutenant Governor and Commander-in-Chief strictly to follow and obey), Circular Letters were promptly written to my Deputies in the several Counties and Districts throughout the Province, requiring of them, according to your positive directions, to examine and report, with the least possible delay, the Nature, Extent and Quality of the Crown Lands, pointing out those Tracts best adapted for the settlement of Emigrants; which service has been performed; and the Answers to your Queries have been reported to you by my Son, the Assistant Surveyor General.

NOVA SCOTIA.

Appendix (A.)
No. 1.

The Plans of the Counties which you directed us to make on the enlarged scale, exhibiting the several Allotments, Grants and Locations, with the names of the Grantees, were, as you must have observed (from a Work of such magnitude), in as forward a state as the limited means of this office could admit; but as you do not appear at the present to require their completion, this service has been discontinued, and our attention has been confined to the Plan of the Province made according to your direction, and which I trust will afford you the required information. With the Map you will receive the Plan and Report of the county of Sidney; also the Book containing descriptive boundaries of the Towns and Counties; dates of their Grants; with some remarks and information connected with the important subject that now engages your utmost attention.

The Plan of the Province done in accordance with your directions is herewith sent, with the Plans of the county of Sidney—Isle Madame, and Reports of the Deputy Surveyors. With regard to the Plan of the Province, there are many locations made in different parts by warrant from Government, that do not appear on the Plan, being of recent date, and the returns and plans not yet reached this office; and it is my duty to remind you that a vast proportion of what appears on the Map to be Land, is so covered and cut up by large Lakes, Ponds, Swamps and rocky Land, that it is utterly impossible, except in Sidney, to find any extensive quantity of good land in any one contiguous tract, that can admit of being laid out or subdivided in any regular form, without intermissions, which these Lakes, Rocks and precipitous Ascents unavoidably occasion.

In the hope our endeavours may prove satisfactory, I have the honour to subscribe

(signed) *Charles Morris,*
S. General.

Lt. Col. Cockburn.

NOVA SCOTIA.
Appendix (A.)
No. 1.

EXTRACTS from the General Information Book of C. Morris, Esq.
Surveyor General of Nova Scotia.

COUNTIES.

- | | |
|--------------------|-------------------|
| 1. HALIFAX. | 6. KING'S COUNTY. |
| 2. LUNENBURG. | 7. CUMBERLAND. |
| 3. QUEEN'S COUNTY. | 8. HANTS. |
| 4. SHELBURNE. | 9. SYDNEY. |
| 5. ANNAPOLIS. | 10. CAPE BRETON. |

DISTRICTS.

POICTOU.
COLCHESTER.
UPPER } DISTRICTS IN THE COUNTY OF SYDNEY.
LOWER }

TOWNSHIPS.

- | | |
|----------------|---------------|
| HALIFAX. | ANNAPOLIS. |
| DARTMOUTH. | GRANVILLE. |
| PRESTON. | WILMOT. |
| LAWRENCETOWN. | AYLSFORD. |
| TRURO. | CORNWALLIS. |
| ONSLOW. | HORTON. |
| LONDONDERRY. | FALMOUTH. |
| CHESTER. | WINDSOR. |
| LUNENBURG. | NEWPORT. |
| NEW DUBLIN. | DOUGLAS. |
| LIVERPOOL. | KEMPT. |
| SHELBURNE. | ST MARY'S. |
| BARRINGTON. | POICTOU. |
| ARGYLE. | MAXWELTON. |
| PUBNICO. | EGERTON. |
| YARMOUTH. | WALLACE. |
| NEW EDINDURGH. | GUYSBOROUGH. |
| DIGBY. | MANCHESTER. |
| CLEMENTS. | PARRSBOROUGH. |

COUNTY OF HALIFAX.

THE county of Halifax is bounded on the West by the county of Lunenburg, on the North by the county of Hants, on the East by the township of St. Mary's and Northerly by the Gulf of St. Lawrence and county of Cumberland, and on the South by the Atlantic Ocean.

Part of this county was subdivided (during the Administration of the late Governor, Sir John Wentworth,) into *Two* Districts; the one called the District of Poictou, the other the District of Colchester. This division was made at the desire of and for the local convenience of the Inhabitants of each, and has proved useful to the Inhabitants.

TOWNSHIP OF HALIFAX.

The township of Halifax is terminated by a right line drawn from the head of St. Margaret's Bay to the confluence of Sackville River with Bedford Basin.

The town of Halifax is situated on one of the best harbours in America, of easy access and great capacity; the channel deep enough for ships of the largest burthen. 500 sail of ships and square-rigged vessels have anchored before the town, within George's Island, and ample room for as many more.

The Town is situate on the west side of the Harbour, on the declivity of a hill 240 feet above the level of the sea; its north suburbs called Irish Town, and south suburbs called Irish Town with Halifax, contain 10,000 inhabitants. Their main support

support depends on the garrison, military and naval establishments, and the civil officers of His Majesty's Government.

NOVA SCOTIA.

Appendix (A.)
No. 1.

The country about Halifax, for upwards of fifteen miles to the westward, is composed of high, broken, rocky land, interspersed with a few spots and ridges of tolerable good land, the remainder incapable of cultivation but at a very enormous expense, as has in many instances been proved. The town was settled in 1749; and in 1750, General Cornwallis, then Governor, ordered the peninsula on which the town is situated, containing 3,000 acres, to be divided into lots of five acres each among the inhabitants, exclusive of a common containing twenty-four acres in the rear of the town, which was granted in trust in perpetuity for its object; and to encourage the settlement of which five acre lots, an excise duty was laid on all spirituous liquors consumed in the Province, out of which a bounty was paid, at the rate of 20 s. for every acre of ground fenced and cleared of the woods.

The inhabitants, excited by this boon, cleared and inclosed by wood fence about 200 lots, containing 1,000 acres, and sowed them with grass seed; but the land in general being covered with moss, which becoming dry when the trees were removed and exposed to the sun, was set on fire, which raged with extreme violence, destroyed all the wooden fences, and discovered that the soil in general was sterile and covered with stones, and so unfavourable for agriculture, that all future attempts of cultivators were suspended for many years, except by a few opulent men, who expended large sums in fruitless attempts to reclaim the soil.

Governor Cornwallis, finding the inhabitants of Halifax were obliged to purchase and import all their hay from the state of Massachusetts at enormous prices, procured an Act of the Assembly for granting a bounty for the erecting of stone wall inclosures (the timber being consumed by the fire,) and also a bounty on every hundred weight of English hay raised within the peninsula of Halifax. By this encouragement further attempts were made; and about twenty acres, at an expense of ninety dollars per acre, were inclosed in the year 1762; and by removing the stones, levelling the soil, and covering it thick with stable manure, it yielded tolerable crops of English hay. Since that period the revolution in America has contributed much to the improvement of the Town and Peninsula, by introducing therein a number of respectable loyal colonists of property and public spirit, who have excited an emulation in industry in agricultural and commercial pursuits.

TOWNSHIP OF DARTMOUTH.

Opposite the town of Halifax, the town called Dartmouth was laid out in the year 1749; but in the war of 1756, the Indians collected in great force on the Basin of Minas, ascended the Shubenacadie in their canoes, and in the night surprised the guard, and killed, scalped, or carried away the most of the settlers; from which period the Settlement went to decline, and was almost derelict until the year 1784, when a number of families were encouraged to settle there from Nantucket, to carry on the whale fishery. The town was then laid out in a new form, and cultivation and business revived with spirit and activity; and very encouraging expectations were formed of success in the whale fishery by all concerned in it, until these enterprising people were persuaded, by liberal encouragement, to quit this country, and remove to Whitehaven in England, where they settled, and became connected with merchants of great capital.

N. B.—The town of Dartmouth took its name from the Earl of Dartmouth, the Secretary of State for the Colonial Department of that day.

The remaining townships within the county of Halifax are Lawrencetown, Preston, Truro, Onslow and Londonderry.

TOWNSHIP OF PRESTON,

Situate on the east side of the harbour, in the rear of the townships of Dartmouth and Lawrencetown, was formed in the year 1784, consisting of loyal Refugees and
148. disbanded

NOVA SCOTIA.

Appendix (A.)
No. 1.

disbanded corps, and some few Negroes who followed the Loyalists from the States. The blacks in general became very industrious and thrifty, affording a considerable supply of vegetables, butter, poultry and eggs for the market at Halifax ; and from their temperance and persevering industry were in a fair way of making provision for their families, when some agents of the Sierra Leone Company appeared in this province ; and by their alluring offers, these people were induced to quit their peaceful retreats and remove to Africa, where most of them fell victims to the climate or savage negroes.

The disbanded soldiers were in general prone to idleness, and to the free use of ardent spirits, and when they had exhausted His Majesty's bounty of provisions, they sold their lands and quitted the Settlement. Those who remain, by temperance and industry, might soon be enabled to live comfortably ; for although the lands in general are very stony, and afford little marsh or meadow, yet their proximity to Halifax, where every article they can raise is in demand, and where they can sell their produce, procure their necessary supplies, and return the same day with perfect ease, renders their situation advantageous.

This township was granted to 388 proprietors in 1784.

TOWNSHIP OF LAWRENCETOWN.

In the year 1754 (the then) Governor Lawrence, with a view to promote the settling of the country, granted to twenty proprietors 20,000 acres of land, about four leagues east of Halifax, which was erected into a township by the name of Lawrencetown ; the proprietors obliging themselves to settle twenty families at their own expense, and the Governor engaging to build a block-house and protect them with a military guard. Accordingly twenty families were settled by the proprietors, and maintained at their expense, and supplied with cattle.

The inhabitants remained there three years ; and by their industry and improvements they had just arrived at a state to support themselves comfortably, when General Hopson, then commanding the troops in Nova Scotia, withdrew the guard and demolished the works, whereby the proprietors sustained a loss of upwards of 700 l. sterling, which they had expended in promoting this Settlement, for which they could obtain no recompence, but an assurance, as the General judged it expedient for the preservation of the province to withdraw the troops, that the lands should not be subject to forfeiture.

This township commences at the confluence of the nook called the Smelt Brook, at the north-east branch of Cole Harbour, and runs east to the falls of Chezzetcook River, and is bounded on the south by the sea coast ; it is much intersected by large lakes and ponds, and a great part is barren rocky land, incapable of cultivation. The best lands in this township lay upon the harbour of Chezzetcook and Lawrence Rivers. Its main advantages are the markets, which enable the inhabitants to keep considerable stocks of cattle. The inlets, and which are called harbours, in this township, are Cole Harbour, Lawrencetown Harbour, which are barred harbours, not having more than four feet water on them at low common tides.

Three Fathom Harbour, so called from having that depth of water, has only two families settled on it.

Chezzetcook Settlement consists of twenty families, chiefly French Accadians, who are engaged in shallops in the fishery, and in supplying the town of Halifax with cord-wood, pickets, &c.

The township of Lawrencetown contains at present only fifty families, but is increasing in population and improvement.

TOWNSHIP OF TRURO.

This township is bounded, northerly, on the basin of Cobequid, and by the township of Onslow ; westerly, by the river Shubenacadie.

Truro is deemed a very pleasant village, and the surrounding country of a good soil, conveniently adapted for farming. It was fenced and settled in the year 1762, and

and laid out for the accommodation of 150 families; fifty-three of whom were brought hither with their stock at the expense of Government, and also supplied with 600 bushels of seed corn for planting.

This township for the most part consists of improvable lands of a rich soil, in general free from stone, and contains upwards of 1,500 acres of marsh and meadow.

The natural growth of the upland is spruce, fir, hemlock, pines, beech, birch, maple and ash, with some oak and elm.

The tides here rise forty feet: the channels are empty for three hours between tides.

The main road from Halifax to Poictou and Cumberland passes through this village.

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TOWNSHIP OF ONSLOW.

The township of Onslow is situate on the north side of Cobequid Bay, and near its head. This Settlement commenced in the year 1752.

The inhabitants, which then consisted of fifty-two families, were conveyed here at the public expense. They arrived the latter end of May, and immediately set to work to raise corn and roots, such as potatoes, carrots, turnips and cabbage, for their subsistence; but a severe drought, and, after that, an early frost, destroyed the corn. They however succeeded in raising the first season a sufficient supply of vegetables, and to cut hay enough for their stock; and Government, to prevent their suffering for want of provisions, humanely lent them 800 bushels of corn.

This Settlement has progressed in cultivation, improvement and population, and the inhabitants in general are in a comfortable way of living.

It contains about 1,400 acres of marsh and meadow lands, and was laid out for 150 families.

The soil of the upland is rich and free from stone, as far back as the mountains; some parts of which are stony and rocky.

The country near the shore has formerly suffered by fires.

The present trees are of a small growth, and easily cleared. The natural growth of the woods on the uplands the same as Truro.

TOWNSHIP OF LONDONDERRY.

This township was settled by Alexander M'Nutt and associates, an enthusiastic adventurer from the North of Ireland, who was so liberally encouraged by Government in the allotment of land, that 1,000,000 of acres were granted to him and his associates, in situations of their own selection.

Its settlement commenced in the year 1763. It contains 2,000 acres of marsh, and the upland is in a good state of cultivation. The original inhabitants came here with M'Nutt from the North of Ireland. The growth of the woods the same as Truro.

The lands from Icbucto Head, going westerly to St. Margaret's Bay, are, except in a few spots, covered with rocks; the shore iron-bound; and not a tree to be seen for many miles. It was formerly covered with a growth of spruce, hemlock, and an intermixture of birch and beech trees; but the fires getting into the woods in a dry season of the year, raged with great fury, and, propelled by the winds, spread with devastation over almost the whole township of Halifax, and consumed an immense quantity of forest of wood and timber, to the great injury of its inhabitants.

The harbours and coves on this range of coast are conveniently situated for the cod and mackarel fishery.

At Herring Cove, the first fishing-place to the westward of this harbour, twenty families are settled; between that place and Catch Harbour, sixteen families, whose chief employment is in supplying the market at Halifax with fish. At Catch Harbour there are eighteen families settled, who follow the boat fishery.

At Sambro, which is the next harbour to the westward, there are twelve families settled; at Pendant, the next harbour, three families; at Lower and Upper Prospect,

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Prospect and Mollineaux Baron, forty families ; at Dover, Indian Harbour and the intervening coast between Prospect and Margaret's Bay, there are seven families settled. All these people subsist by the cod and mackarel fishery solely, the land being incapable of cultivation, except in a few instances where there are small pieces of land used for raising a moderate supply of cabbage and potatoes.

These hardy fishermen raise a number of hogs, which they feed on the offal of their fish through the summer, and in the fall fatten with potatoes for winter use. Of their delicacy or flavour nothing can be said ; yet such is the force of habit among these rugged people, they feast on this pork as a great luxury.

ST. MARGARET'S BAY.

This beautiful sheet of water is of great capacity, about one mile and a half wide at its entrance ; but within is four leagues deep, and nearly two leagues in width ; has many harbours, coves and islands, which afford shelter for ships of the greatest burden, and convenient situations for fishing or farming.

The lands, for the distance of about three quarters of a mile from the shore on the east side, are well clothed with birch, beech, hemlock and other timber of the fir kind. The soil is very stony, yet fertile, producing vegetables of all kinds, rye, barley and oats in perfection.

There are several streams which fall into this bay, which abound with gaspereau, trout and salmon, and afford situations for saw and grist mills. All the lands on this bay, capable of cultivation, having, on the early settlement of the province, been granted to sundry individuals, who engrossed them on speculation, and were not disposed to sell or lease them but on exorbitant terms ; hence they remained in a state of nature until the year 1783 (except in two instances, of a man by the name of Ingraham, formerly a sergeant in the regiment of that day called Warburton's, and a fisherman by the name of Walden Corney), when the late Governor Parr, in a tour to Lunenburg, encouraged some of the French, descendants of the Hugonots, who had suffered persecution in France, and some German families, to remove to this settlement, where they have, by a regular course of persevering industry, become possessed of considerable property, and live in comfort. There are about sixty families settled in this bay, who send a considerable supply of wood and vegetables to the market of Halifax.

TOWNSHIP OF CHESTER.

The next land to the westward is the township of Chester. This township was erected, and its settlement commenced in the year 1760, when thirty families, amounting to 148 persons of both sexes, emigrated from New England, with their stock of cattle, and seated themselves in this place.

This township is situated at the bottom of Mahone Bay ; it has a number of islands annexed to it, some of which help to form its very snug, commodious harbour. The lands in this township, where the fires have raged, are in general covered with an inferior growth of spruce and fir, and afford some good situations for farming ; and the islands are found of much convenience for the keeping and raising of sheep.

The town is well situated for the fishery and West India trade, and from its proximity to the settlement of Windsor, Falmouth and the interior country on the Basin of Mines.

There can be little doubt that when the main road of communication is improved between Chester and Windsor, as the distance is only twenty-eight miles, stock and cattle of all kinds may with ease be procured, and shipped from this port to the West Indies ; and vessels may be employed to advantage in the cod fishery on Quereau, Isle of Sable, and Grand Bank of Newfoundland ; and here they could make (to use the American phrase) three fairs of fish with greater ease and less time than the Americans can make two from the United States.

Its

Its principal rivers are Middle River and Gold River, which afford situations for saw and grist mills.

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In the year 1784, many families of Loyalists settled in this town, who, being ignorant of farming business, expended their money in buildings and unprofitable pursuits. Discouraged and disappointed in their views, most of them abandoned the Settlement and returned to the States. Their lands have since been purchased by people acquainted with farming business, who live comfortably by well-directed industry in the improvement of their land. The present population is 150 families:—Two saw mills and one grist mill.

TOWNSHIP OF LUNENBURG.

The township of Lunenburg is bounded on the East by Mahone Bay, South by the Ocean, on the West by the harbour and river of Lehave. This in general is a tract of good arable land (except that part which lies between Lehave River and Lunenburg, which is barren and stony), well covered with birch, beech, spruce, fir, hemlock, oak and pine.

This township commenced its settlement in the year 1753, by the Dutch and Germans, who were transported into this colony the two preceding years at the expense of Government. They consisted of 400 families, amounting to 1,500 souls.

These settlers were supplied with materials for building houses, and farming tools. £1,000 were also expended for them in cattle and stock; and for the first three years of their settlement they were maintained at the expense of Government; and, until the year 1762, received very considerable supplies of flour and grain from year to year. Thus encouraged and supported, and the township possessing many local advantages, comprising many spacious coves, harbours and inlets, which admit their vessels to approach their farms with facility, and receive their produce, and carry it to the market at Halifax, the inhabitants are living in a state of comfort, and many of them in affluence. In the year 1762, there were only two vessels owned in this settlement. They are now increased to upwards of fifty sail of schooners and shallops, which are constantly plying between this settlement and Halifax, supplying the market with hay and cattle and vegetables of all kinds; and they discover an active and enterprising spirit; and within the last ten years have built and employed many brigs and vessels in the West India and coasting trades with success.

Lunenburg Township is considered the most thrifty and pleasantly situated in Nova Scotia, exhibiting interesting views of diversified scenery, formed by many islands, peninsulas, coves and basins, and settlements under good cultivation; the country agreeably interspersed with lakes, ponds, rivers and rich woods of beech, oak, elm, ash, birch and maple; and although it affords no marshes or meadows near the coast, as in most places in the interior of the Province, yet from its contiguity to the capital, the facility with which every article of its produce, where the wood it grows, is conveyed to the market at Halifax, gives it great advantages over other Settlements in the Province; and it is an acknowledged fact, that there are no paupers sustained at the public expense. The town contains 100 buildings; 500 inhabitants; three churches; protestant, lutheran and calvinist; a gaol, school and court-house. It sends one member to the General Assembly, and the county to which it belongs sends two. There are nine saw mills and four grist mills.

TOWNSHIP OF NEW DUBLIN.

This township is seated upon the harbour and river of Lehave: it was granted, in the year 1760, to 260 proprietors from the colony of Connecticut, very few of whom made any attempts to settle, and those who did only remained there three months, and then abandoned their situation; since which the lands have been regranted and assigned to sundry persons, Germans and others, who are increasing fast in population and improvement.

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The lands bordering on Lehave River and Harbour are stony and mountainous.

It abounds with a large growth of hemlock, timber, spruce, black birch, beech, oak and pines. Many ships and square-rigged vessels have been loaded with lumber and ship-timber for the British market. It abounds with ship-timber (such as birch, spruce knees, plank of oak and pine, topmasts, studding-sail booms, oar rafters, capstan bars, handpikes of ash) in considerable quantities.

In the western part of the township in the rear of Lehave, and about Petite Riviere, which lies five miles to the westward, the lands are of a better quality, and on that river are some neat farms under high tillage. About the entrance and outer harbour of Lehave are islands conveniently situated for the curing and drying of cod fish. The outer harbour lies open to the sea, and is full of shoals; but the river is an excellent harbour, having eight fathoms water at its entrance, (after passing the bar, on which is twelve feet at low water,) and gradual soundings to three fathoms at nine miles, and navigable for sloops and smaller vessels to the falls of the river, which are twelve miles from its entrance. On the west side of the entrance of this river the remains of an ancient French fort are yet to be seen, which was erected in 1732, and which is described by Charlevoix, in his "*Histoire et Description générale de la Nouvelle France*."

On Lehave and Petite Riviere 150 families are settled, chiefly German: those at Petite Riviere are from the North of Ireland. Here are five good saw mills and three grist mills, a good alewife fishery, and several schooners and vessels employed in the carrying of wood, lumber and produce to the market at Halifax. There has lately a road been traced and cut out from Annapolis to Lehave and Lunenburg, which, if rendered passable and improved, will encourage the settlement of the interior.

TOWNSHIP OF LIVERPOOL.

Liverpool is the next township to the westward of New Dublin. This town commenced in the year 1760, and in the year 1762 its inhabitants amounted to ninety families, consisting of 504 persons, who where all settled at Port Seignor, and subsisted chiefly by the fishery and lumber trade. They had then built seventy houses, employed seventeen schooners in the fishery, made great quantities of shingles, clapboards and staves, and erected one saw mill.

Since that period they have much increased in population, and have built a great number of brigantines, and other square-rigged vessels, schooners and shallops, and possess an active, enterprising spirit for commerce and every branch of domestic industry. This town has much increased in buildings and wharfs, which form a neat, cheerful and respectable appearance; and the new bridge across the river in front of the town adds greatly to its convenience and respectability. There are now two good saw mills at the falls of this river, about two miles above the town; one at Herring Cove, opposite the lower end of the town; three at Port Metway alias Medway, where fifty families are settled, who follow the fishery and lumber trade, and, with Liverpool, afford a considerable supply for the West India markets.

This township comprehends the lands along the coast from Port Metway, four miles west of the harbour of Liverpool alias Port Seignor. The harbour of Liverpool is barred, having but nine feet at low water, but is perfectly secure within the bar, with good anchorage in three fathoms water.

The land bordering on the sea coast, and indeed throughout the township, affords but little for the scythe or the sickle, and particularly on the sea coast; being in general an assemblage of rocky substances, with a few intervening spots for pasture or gardens; but is conveniently adapted for the curing and drying of fish, and grows all the necessary wood and materials for the erecting of flakes and stages for boats, which are requisite for the fishery.

A road was cut out from Annapolis to Liverpool in the year 1804, on which a number of families are settled, and since that period other roads have been opened,
and

and settlements formed, in the rear of this township, which are increasing in numbers and cultivation; their names are Kempt, Caledonia, Pleasant River, Harmony.

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TOWNSHIP OF SHELBURNE.

Shelburne Township comprehends all the land on the sea coast from the head of Port Hebert to the Clyde River and the east bounds of Barrington. Roseway (or Shelburne Harbour) is the chief port, is spacious, affording safe shelter for ships of the largest burden, secure from all winds. All the lands about the harbour, to the amount of 100,000 acres, were granted in the year 1764 to Alexander M'Nutt and his associates, who settled a few families near the western entrance of the harbour, and himself on the island at its entrance, called Rosaway Island, when some little improvements were made, these people being chiefly engaged in the fishery.

After a lapse of twenty years, and at the close of the late revolutionary war in America, many thousand loyalists emigrated to this port, and, fascinated by its spacious and excellent harbour, commenced the forming of the town of Shelburne, which is situated on the eastern side, and near the head of the Harbour.

The magnitude of the town, the numbers of people who expended their fortunes in building large and expensive houses in it, without object and without consideration, to an immense amount, led to all the distresses and embarrassments which in a few years involved and discouraged the inhabitants, most of whom have returned to the States or settled in other parts of the Province. In 1784, its population exceeded twelve thousand inhabitants, but at present there are not more than two hundred families living in the town or its environs. The lands in general, near and about the shores of this township, and many parts of the interior, are rocky and sterile; and its inhabitants met with many discouragements by the capture of most of their vessels (which were employed in the West India trade) by French privateers, and the garrison and naval force being withdrawn from the settlement, which while with them contributed much to their support and encouragement (as well as protection) by receiving supplies and produce, and paying them liberally in cash; these discouragements, and the many reservations which were then made round the shores of the harbour for military and naval purposes, after the people had settled on them, had a serious tendency to check their endeavours, by breaking and disconnecting the chain of settlements forming round its shores. It however must in truth and candour be acknowledged, that very many of these ill-fated settlers were not calculated for farmers or fishermen. They had been brought up in different habits, and accumulated their property by other means; and in the phrenzy of delusive enthusiasm, which no argument or persuasion could overcome, that a great and splendid town, with spacious streets and commodious buildings, built on a harbour of unrivalled excellence, would attract the notice of enterprising strangers, and soon become the emporium of Nova Scotia, very many among these infatuated people were fully impressed with the belief that the naval establishment and seat of the government would be removed to this New Jerusalem, as it had been emphatically styled by the original proprietors; and all the persuasive arguments of the late Surveyor-general to divert them from this infatuation were unavailing. He had urged Mr. Watson, the Commissary-general of the day, to encourage to the utmost these persecuted loyal people, previous to and at the time of their emigration, to proceed to Guysborough, and spread themselves from thence along the north-western shores of the province towards Poictou, which was a good country for farming, and from its contiguity to the fishing banks of Newfoundland, Isle Sable and Shore Fishery, was equally advantageous for the fishery.

In traversing the streets of Shelburne, it is quite impossible to repress the regret that so much wealth should have been thrown away by these loyal adventurers, who had made this their place of refuge and asylum. Most happy and fortunate indeed it would have been for them all, if their attention could have been directed to more eligible situations, or other objects; since if the wealth they

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brought with them had been judiciously expended, it was amply sufficient to have purchased the most valuable farms in Nova Scotia for the accommodation of them all, being little short of one million sterling.

It is however by no means improbable, that at some future day the wharfs, stores and situations this town affords, may encourage some merchants of capital to fit out vessels in the Bank and Whale Fishery; and the interior forest lands are opened by roads of internal communication; this depressed settlement may experience a favourable change, and rise to some degree of importance. Its harbour is considered inferior to none in the world for capacity and security.

The lighthouse which has been erected on the island at its entrance, called Rosaway Island, is a very conspicuous object to ships from the offing in making this port, or passing along the coast.

The other harbours in this township, viz. Little Port Hebert, Ragged Island Harbour, Green's River, Cape Negro Harbour, are ports of little note; the lands about them near the coast of little value, being very rocky and barren, and not more than forty families settled in them all, who chiefly subsist by the fishery, except the settlers on the Clyde River, which falls into Cape Negro Harbour, who subsist by farming.

Note.—At the head of the Clyde, above its forks, some valuable lands have been recently discovered, but will require time and roads of communication to render them accessible and of consequence.

TOWNSHIP OF BARRINGTON.

This township contains 100,000 acres, and comprehends the island called Cape Sable, where is a harbour called by that name, on which were settled twelve French families, who had cleared about 200 acres of land. Their principal subsistence was from the cod fishery, and fur trade with the Indians.

The lands in this township are very stony, of the same nature and quality as Liverpool, with the same natural growth, except Cape Sable Island (which is four miles in length and two in breadth), of low land, the soil sandy and barren.

The harbour is safe and convenient for fishing schooners, and other small vessels.

This township was granted, in the year 1760, to 200 proprietors; the most part of them fishermen from Cape Cod, Plymouth and the island of Nantucket, in New England. They commenced their settlement in the year 1762, and laid out the town or village of Barrington with sixty families, which were followed by 100 more in the summer of 1763, with their fishing vessels. There were but few farmers among them. In the year 1784, some respectable loyalists sat down in this settlement, and by their exertions the settlement has in some degree been increased and improved; but from the sterility of its soil and its broken surface, it can never be a town of importance.

TOWNSHIP OF ARGYLE.

The next township west of Barrington is the township of Argyle, which was erected in the year 1771.

It commences at the first falls of Cape Negro River, at the boundary of Barrington, thence running north $33^{\circ} 15''$, west by the compass, on the township called New Jerusalem and ungranted Land, twenty-six miles, or until it meets the Tusket River, being the south-eastern bounds of Yarmouth; thence along the boundary of Yarmouth until it meets the sea-coast; thence to be bounded southerly and westerly by the several courses or windings of the sea-coast, until it comes to the south-western bound of Barrington; and bounded on the north-west by the boundary line of Barrington, to the beginning bound above described, including all the islands in front, and within the limits of the said

said township of Argyle; containing in the whole 120,000 acres. Its principal harbours are Pubnico, Cocquiwit, Abuptic; and among the islands are safe commodious anchorages for vessels of any burden. The lands in this township afford many good situations for farming, with considerable quantities of marsh; particularly at Pubnico, Abuptic, the Tusket River and the harbour of Cocquiwit. The latter is only a shallop harbour; it lies within the islands called the Wolf Islands, and is the next harbour west of Barrington; it was laid out for the accommodation of twenty families of disbanded soldiers, the remainder loyalists, with two or three old settlers from the states. The settlers were indigent when they commenced the Settlement, but are getting comfortable farms, and increasing their stock of cattle.

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PUBNICO.

The next harbour to the westward of Cocquiwit is Pubnico, which is chiefly settled by the French Accadians, who were permitted to remain in this country after its conquest.

These people are hospitable, temperate and industrious, and are in general comfortably settled, and remarked for their peaceable and subordinate tempers. There are several valuable islands in front of this township, which are conveniently situated for the fishery and for supporting flocks of sheep. At the head of Abuptic Harbour there are some good farms; the chief of the settlers are from the United States, except the Accadians, of which there are about 100 settled in this township, and the same number of people who came from the United States anterior to the revolutionary war in America.

Since 1783, some of the Loyalists have settled among them. They have boats and schooners employed in the fishery, but their main dependence is in farming.

There is a settlement in this township at a place called the Eel Brook, where upwards of thirty families are collected, who for many years, with the Indians, derived their chief support from the immense quantity of eels which are here taken throughout the year.

The French and Indians long contended for the exclusive privilege of taking these eels, and much noise and complaint has been made to Government from the contending parties, until the Province Laws for regulating the fisheries throughout the Province were carried into effect.

TOWNSHIP OF YARMOUTH.

This township was granted the 7th April 1767, in 150 shares or rights of 666 acres each, to settlers from Massachusetts.

Its boundaries are described as follows:—beginning at the Stony Beach on the north side the harbour of Cape Fourchu, and running northward, measuring on the sea beach 950 chs. then to run into the country north 69, east 1,230 chs. thence south 21 chs. until it strikes the Tusket River, and to commence again at the beginning boundary, and to run along the sea coast southerly to Little River, and to be bounded by said river as far as the tide water flows; then to run north 66 chs. until it meets the lands laid out to Montagu Wilmot and others, and to be bounded by the courses of said lands until it comes to the Tusket River, and to be bounded by said river Tusket until it meets the northern boundary first described; reserving for the fishery all the lands lying on the harbour of Cape Fourchu, and on the harbour of Jebogue; to extend 300 feet back from high water mark; also ten acres of land on the north point of the entrance into Cape Fourchu Harbour for a fort or battery. A part of the shares of this township, situate on the eastern branch of the Tusket River, having remained derelict and without cultivation, on the arrival of the Loyalists, in the years 1783 and 1784, many of them settled on this deserted land, which was confirmed to them by grant.

The inhabitants of Yarmouth are in general a thriving industrious people, actively employed in agriculture and fishery. They employ upwards of sixty sail of vessels in these branches of industry. They have some good saw and grist mills, and are making rapid improvement in cultivation, and dikeing and draining their marsh lands,

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lands, increasing their stocks of cattle, and will ere long become a flourishing Settlement. The population about 4,000 souls.

In the rear of this township, and between its limits and Clare, lands have been surveyed for a number of the children of their people, and also for many of the Accadian French, which is called Wentworth.

TOWNSHIP OF NEW EDINBURGH.

This town plot is situate on the western side of the river Sissaboo, and on the south side and within twelve miles of the head of St. Mary's Bay.

It was formed during the administration of the late Governor Parr, in the years 1783 and 1784. The situation is pleasant, and there are some farms in tolerable good cultivation. It has a barred harbour; but from the rise of the tide, which is near twenty feet, vessels of large burden may approach and anchor in safety within the bar at high water. New Edinburgh, like other towns in this Province which have been too inconsiderately built, cannot be expected to rise to any degree of importance until the interior country is more populous, and affords stock and produce for exportation, and demands and consumption for the returns from other climes.

TOWNSHIP OF DIGBY.

This township is formed from the chief part of a tract of land formerly granted to Alexander M'Nutt and associates. It extends from Sissaboo River to the mouth of the cove or inlet called the Grand Joggin, in the Basin of Annapolis, opposite the town of Digby, and which is also the western boundary of the township of Clements. It is bounded on the east by the shore of Annapolis Basin, by the Gut of Annapolis, by the south shore of the Bay of Fundy, and by the north shore of St. Mary's Bay, comprehending Long Island and Briar Island within its limits, and containing 91,600 acres.

This township was granted to and settled by the loyal Refugees who retired to this country at the close of the revolutionary war in America. They consisted of 475 grantees; but a number of them having quitted the country, the township was escheated, and the resident proprietors confirmed in their possessions.

The town of Digby contains 200 buildings. It commands a view of the whole Basin of Annapolis, is deemed a healthy, pleasant situation; some vessels have been built here much approved. The inhabitants of the town, and about the shores of the Basin, take great quantities of herrings and alewives or gaspereau, which they cure for the West India and Halifax markets. They also employ a number of vessels in the cod fishery. The lands in this township are in general of a good quality; and at the head of St. Mary's Bay there are some marshes, which enable the settlers to keep considerable stocks of cattle. Near the coast, from the Gut of Annapolis to Long Island, the land is high, and in many places of sharp ascent next the sea. In this township, at the entrance of the Gut of Annapolis, is a light-house; and it is proposed to erect another on Briar Island, from which can be seen Cape St. Mary's and Grand Manan. This is evidently a fit and proper situation for the purpose; as all ships and vessels coming into the Bay of Fundy may run boldly for it, and find shelter in the harbour this island affords, or take their departure for any other port in the Bay of Fundy. This township is well clothed with all kinds of hard wood natural to the Province, such as beech, birch, ash, maple, spruce, some pines and fir. There are saw mills at Sissaboo, and on the rivers which fall into Annapolis Basin, which cut considerable supplies of lumber.

TOWNSHIP OF CLEMENTS.

This township is bounded on the West by the township of Digby, on the North by the south shore of the Basin of Annapolis, and on the East by Annapolis Township.

It

It was settled in the year 1784, during the administration of the late Governor Parr, by loyal Emigrants, disbanded Hessians, and Negroes, amounting in the whole to 437 grantees. The Germans in general have proved industrious farmers, and are making good improvements; and the land throughout the township, although hilly and undulating, is of a generous soil, and the inhabitants will in a short time, by their continued course of persevering industry, become opulent. Those settled on the shore of the Basin take great quantities of herrings, alewives and shad, by erecting weirs on the Flats, which becoming dry at low water, these fish become enclosed. The main road from Annapolis to Digby passes through this township.

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TOWNSHIP OF ANNAPOLIS.

The town is by far the oldest English settlement in Nova Scotia.

The French had formed settlements on this river, allured by its inviting situation, possessing many natural advantages, opening an extensive range of country, and between mountains running parallel with each other the distance of ninety-six miles, the one called the North Mountain, extending from Cape Blow-me-down to the Gut of Annapolis, the other, called the South Mountain, extending to Allen's Creek, near the western boundary of Annapolis Township. All the points which form the various windings of this pleasant river being formed of rich meadow, increasing in breadth as you approach the town, and the mountains covered with a growth of valuable wood and timber of every kind natural to the country; its soil exuberant, and yielding good crops of wheat and grain, and good orchards for apples, pears and fruits; and the town of easy access from the sea; and the tides flowing eighteen feet, favouring the navigation in and out of the Basin; and its rivers and waters abounding in salmon and fish of different kinds, and particularly of the herring and shad, in great abundance; naturally rendered this spot an eligible situation to form a Settlement.

In the year 1720, this town and garrison being then in possession of the English, on the 25th April of that year, Richard Phillips, Esq. its then Governor (who was also Governor of Placentia, in Newfoundland), made choice of the under-mentioned persons as members of His Majesty's Council for this Province, and they were on that day summoned to attend his Excellency, at his house in the garrison of Annapolis Royal, and they met accordingly.

Present:—

His Excellency the Governor General, and the Lieutenant Governor.

Major Lawrence Armstrong,
Major Paul Mascarene,
The Rev. John Harrison,
Cyprian Southack,
Arthur Savage,
Hibbert Newton,
William Skene,
William Sheriff,
Peter Rondie,

were sworn in by his Excellency, as appears by the Records of Council of that date.

The first object of their consideration and determination was the building of a public Magazine or Dépôt for the reception of the Grain raised in the Province for the supply of the garrison and inhabitants in time of want, and to require the French settlers on the river to take the oaths of allegiance to His Majesty, although it is an established fact, that Annapolis was settled in the reign of Queen Anne, and that the French inhabitants, who were at that time found settled on that river, took and subscribed the oaths of allegiance and supremacy to that Queen (during the administration of Sir Charles Holby, when Lieutenant Governor of the Province, and residing in that garrison); yet the only records of the proceeding in the Civil Government, I have yet been able to trace, go no further back than the year 1720. The Council

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books, containing the proceedings of Government from that period, are in the public Registry of this Province, and as a reference to them will afford a correct detail of proceedings to the time of the introduction of Protestant settlers, and the general expulsion of the French, I shall for the present only remark, that the township was granted in the year 1764 and 1765, to a number of families, who were encouraged to come into this Province from the United States, to the number of 200 souls, having, as I before observed, choice situations for farming. They have made great improvements, and many of them have become substantial farmers.

The ground on which the Fort is built contains twenty-eight acres, three quarters, and nine rods. It is bounded in front by the Annapolis River; on the North by the main road leading from the town to Halifax; on the East by the ground on which the county Court-house stands, and the main road leading to Digby; and on the South by Allan's River.

The garden called the Governor's Garden, containing one acre and twenty-two rods, being immediately opposite the entrance of the Fort, the field, called the White House Field, adjoins it, contains twelve acres and nine-tenths. It was granted on the 8th of June 1763, in trust to the Hon. R. Bulkeley, then Secretary of the Province, and T. Newton, Esq., for the use of fortifications, or to whatever use His Majesty or His Successors shall direct and appoint.

Upon inquiring, it appears that this field has been claimed by a Captain Aldridge, who formerly lived at Annapolis, and that in the year 1785 he obtained some authority to occupy it, which, however, cannot divest the Crown of its right, whenever it may become expedient to resume it. The field, called the Exercise Ground, lies about 350 yards from the Fort on the south or left side of the road going from Halifax to Annapolis.

TOWNSHIP OF GRANVILLE.

The township of Granville is situated on the north side of the River and Basin of Annapolis, and is bounded as follows:—

Beginning at the Gut of Annapolis on the eastern side, and is bounded southerly by the Basin and River of Annapolis, and extends from the said Gut up the River, including the farm in the occupation of Henry Munroe, and measuring on a right line twenty-eight miles, and from the eastern boundaries of said farm to run north-north-west by the magnet, until it meets the Bay of Fundy; thence bounded by the Bay of Fundy; and comprehends all the land westward of said line to the Gut of Annapolis.

This township was granted, in 1764, to a number of families, who were encouraged to come from the States, amounting to 660 souls (and 158 proprietors).

In the internal division of their lots, they appear to have left 962 acres of land, lying between the Gut of Annapolis and the Farm Lot of George Harvey, undivided, subject to their further disposal.

On this land a farmer, by the name of Johnston, has settled, made great improvements, and cleared fifty-seven acres of land.

It appears he was encouraged to sit down here by the proprietors. Applications have been made for this land by Mr. Fowler of Annapolis, by a Col. Janning a Loyalist, and by Mr. Johnston. Upon a view of the situation and circumstances attending it, it certainly must be considered as a part of the township of Granville, and the inhabitants are in the habit of erecting huts and carrying on the fishery round its shores, it being very conveniently situated for the fishery; but from its not having been subdivided by the proprietors, and not generally improved, it has been contended that it remains subject to the disposal of Government; but as the inhabitants of the township of Granville have never been heard on a point which so materially concerns them, Government has very judiciously deferred any determination for the present respecting this land; and if it should be found hereafter subject to forfeiture, in that case that part situate on the east of the Gut of Annapolis, from its commanding situation, will no doubt be considered as a fit situation to be reserved for military purposes of defence of the narrow pass and only passage into the Basin of Annapolis.

There

INSTRUCTIONS AND REPORT ON EMIGRATION. 17

There are a number of good farms at Granville, well stocked with cattle, and abounding in marsh and meadow ground, fronting on the Annapolis River; the lands in the rear rising into lofty hills of one continuous range, extending from the Gut to Cape Blow-me-down, about a distance of ninety miles.

There are also some good orchards in this Settlement; and the cider and cheese of this Settlement is not excelled in the Province.

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TOWNSHIP OF WILMOT.

Wilmot Township commences at the south-east bound of Granville Township, thence running by the magnet north twenty-two and a half, west on the line of that township until it meets the Bay of Fundy, thence to run up easterly the several courses of the Bay, until eighteen miles and a half in a right line is completed, thence to run south twenty-two and a half, east sixteen statute miles, thence south sixty-seven and a half, west six miles, or until it comes to the south-east corner bound of the township of Annapolis, thence north fifteen, west to the Annapolis River, thence by the several courses of the river to the beginning bound, containing 120,000 acres. This township was established on March 3d, 1774, and a great part of its choicest land was laid out into allotments, in obedience to orders from the Lords of Trade and Plantations, &c., in compact farm lots of 500 acres, bounded in front by the Annapolis River, and the main public road from Halifax to Annapolis (running through the front near the river); yet notwithstanding the advantage of situation and of soil, and the low price Government had fixed for the sale of these lots, being at the rate of sixpence per acre (the upset price), not one farm lot was ever purchased in the lapse of many years, and this valuable country remained almost in a state of nature until the arrival of the Loyalists from the United States, in the years 1783 and 1784. Since that period it has rapidly increased in settlement and improvement; and the same lands in a wilderness state would now sell for a large price. This township contains 600 inhabitants, chiefly Loyalists, whose persevering industry and improvement of their farms on the Wilmot Mountain has been noticed and extolled by all travellers in passing through this growing and valuable Settlement.

TOWNSHIP OF AYLSFORD.

This township is bounded on the West by the township of Wilmot; on the East by the township of Cornwallis; on the North by the shore of the Bay of Fundy; and on the South by the rear line of Annapolis County. It was settled chiefly by Loyalists, in the year 1784, who have been increasing to about 150 persons. After passing Cornwallis Settlement, on the road to Aylsford, you have to cross a long causeway over a barren heath, in extent about three quarters of a mile; near the centre of this causeway a post has been placed, to mark the boundary between the two townships. The soil and growth of Aylsford is similar to Wilmot. Its church is pleasantly situated in a grove of pines.

TOWNSHIP OF CORNWALLIS.

This township was settled in 1760, by families from New England. It is bounded on the North and East by the Bay of Fundy and Mines Basin; on the West by Aylsford; and on the South by Horton.

The inhabitants, having received a grant of the township from Government, made a division of it among themselves, in quantity and quality; the first division, of their marsh, with which this township abounds; the second division, of farm lots, consisting of the best lands, and most contiguous to their marshes and to public roads; the last or third division, of wood-lands.

The land throughout the township is of an excellent quality, free from stone, and every farm has a good proportion of valuable marsh, which enables the proprietors to keep large stocks of cattle. Their great meadow, which is under dyke, and inclosed from the sea,) where formerly vessels of burden used to ride at anchor, is now under English grass, and exhibits an extensive plain of meadow, of an oval

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form, surrounded by valuable farms. From Cape Blow-me-down, the view of this township, and of the settlements of Horton, Windsor, the Basin of Mines, with the settlements on its shores, and the extensive range of wild scenery, is at present rather interesting, but in the course of a few years it must be much improved and extended by increased cultivation and improvements, which are going on rapidly in this valuable section of the Province.

This township is acknowledged to be the most compact and valuable settlement in the Province for all agricultural purposes; the soil throughout rich and productive, and abounding in meadow and marsh lands; the latter much increased and improved by the great Wellington Dyke.

The Court-house stands near Peck's Tavern, at the head of the river, on the confines of the two townships of Horton and Cornwallis, and the inhabitants of both being assessed for the expense of the building. It was here placed as a situation the least exceptionable to both townships; and placed as it is, contiguous to the main road, where the Supreme Court travels in its circuit to Annapolis and the western part of the Province, it has proved of general convenience.

TOWNSHIP OF HORTON.

This township was formed and settled in the year 1763; contains 100,000 acres, commencing at a point of land on the River Pisaquid (now called the River Avon), and from thence runs south 60, west 1,670 chains; thence north 60, west 800 chains; thence north 60, east 820 chains, to the River Habitant and Basin of Mines; and easterly by the River Avon.

The natural growth of the country about Horton is much the same as Cornwallis, but the upland, although of a good quality, is far more stony than Cornwallis. Its meadows and marshes are of the same good quality as Cornwallis. The principal marsh, called the Grand Pres, contains about 3,000 acres. It is all dyked in from the sea, and extends from the lower settlement of Horton to the island called Boot Island.

The tavern at Fowlers, where the post-house is kept, has been considered the best on the road.

TOWNSHIP OF FALMOUTH.

This township is situate between Windsor and Horton, and is bounded by their external limits, and may be described as follows; viz. situate on the west side of the River Avon (or Pisaquid), beginning at a point of land on the Pisaquid River, and running south 60, west 1,300 chains, on ungranted lands; from thence south 30, east 880 chains; southerly, on ungranted lands; south 60, east, to land granted to James Monk, Esq. 440 chains; and on the said land running north 30, west 300 chains; thence on the same, north 60, east 192 chains, until it meets with Pisaquid River, or Avon; and on the said river to the bound first mentioned; containing 50,000 acres; allowance being made for mountainous broken lands, lakes and roads.

There are 100 families settled in this township; its marshes constitute its chief value; the upland in general, particularly on the Horton Mountains, being very stony; but the great quantities of marsh enable the farmers to keep large stocks of cattle, which furnish an ample supply of rich manure for the uplands. The main road from Windsor to Annapolis passes through the upper part of Falmouth; the former, an old road, passes through the centre of the settlement opposite the village of Windsor.

The hills called Horton Mountains are partly within the limits of this township; they are irregular, of steep ascent, stony, the land poor, but by persevering labour may be rendered productive and to yield good crops of grain, being sheltered from sea winds and fogs.

TOWNSHIP OF WINDSOR.

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This place was held in great estimation by the original French Accadians, from its central position and extensive marshes, which they inclosed by dykes, and brought under high cultivation. The traces of their industry are to be found in every part of the shores of the river Avon, and to them may be justly attributed the very favourable appearance of this country in cultivation and improvement; and the crops of grain they raised here and in its vicinity, particularly of wheat, were at one period so superabundant, that before the declaration of war against France, which took place 17th May 1756, these industrious people afforded a very considerable supply of wheat for the Boston market, to which place they exported it annually for many years.

On the Falmouth side of Windsor (or Avon) River, after you have passed the new Bridge a short distance, you cross a large tract of cleared land, the work of these people; but after their expulsion from the Province it was left waste and derelict.

The most valuable situations about Windsor having been monopolized and granted to members of His Majesty's Council residing in Halifax, will account for the improvements not having been much increased or more widely extended.

The military grounds about the Fort Hill at Windsor were, in the year 1767, granted by the then Governor to his groom, but have since been reclaimed and purchased by Government. The upland, in general, between Windsor and St. Croix, on the road to Halifax, after you pass the Three Mile Plain, is poor, rocky, broken land.

Windsor Settlement affords a tolerable variety of scenery, agreeably diversified with hill, dale and lawn; and the surrounding hills shelter it from adverse winds and the chilling fogs of the ocean. It is warmer than the more northerly and southern parts of the Province, and the crops are earlier. It is better adapted for growing of wheat and other grain, which are not so liable to blight and mildew. Peaches, quinces, pears, apples, cherries, plums of various sorts, grow here in perfection, and the orchards are extending and improving. Windsor has excited agreeable surprise and admiration from travellers, particularly from gentlemen from England, who have remarked, that it only required a little more attention to neatness and taste in its cottages and improvement in its buildings, to render it equal to many parts of their favoured country.

This part of the Province abounds in gypsum, which is found in the same range from Plaster Cove in Sydney.

Gypsum has become an article of considerable export from Windsor to the United States.

COUNTY OF CUMBERLAND.

Bounded on the North-western parts by Chignecto Channel and the Missiguash River, and by a line drawn from its source due East to the Bay of Vert, and from thence by the sea-coast of Northumberland Straits to the head of Tatamagouche Harbour; on the south by King's County, and by a line drawn from the northern angle of King's County to the north-western angle of Londonderry Township; thence to run easterly by the course of the north line of Londonderry to the road leading to Tatamagouche; from thence by the said road to the head of the harbour of Tatamagouche.

The townships comprehended within the limits of this county prior to New Brunswick being detached and erected into a separate province (in 1784), were Sackville, Cumberland, and Amherst; the former township by that division is now in the province of New Brunswick, and is called Westmoreland. A material part of the township of Cumberland is also cut off from this Province, the farms and plantations thereby much severed and cut up, and occasioned so much public inconvenience, that pressing remonstrances were made to His Majesty's Government, although ineffectual.

Amherst consists of fifty-three shares or rights of 500 acres each, and contains 26,750 acres, with allowance for glebe, school and minister, and for public roads.

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The public business of the county is transacted in the Court-house at Amherst.

The Parrsborough packet sails regularly between Windsor and Parrsborough twice in every week, and occasionally three times; but always from Parrsborough every Monday in the summer season, so as to be at Windsor on Tuesday; and will sail from thence the first high water that happens at or after eight o'clock in the forenoon of that day. From Windsor to Partridge Island, a distance of thirty miles, you cross without difficulty in four or five hours, taking advantage of the tide.

Partridge Island is a high bluff separated from the mainland by a long beach over which the sea has washed in high tides attended with heavy gales. Its western side is perpendicular. It takes its name from the partridges which resort to it in the fall of the year. Its projection tends to break the tides, and affords good shelter during the summer months to vessels which continually ply up and down the bay; and it has been noted for its facilities in the smuggling trade.

The land about it is much broken and hilly; and the sea-shore from hence to Advocate Harbour, and for some miles up the bay, is chiefly high rocky cliffs. The land rises into lofty hills of sharp ascent, but in many places, as well on the slopes as summits, of a rich soil, producing all kinds of vegetables and grain. The principal persons residing at Partridge Island are Messrs. Ratchford, Crane and Shannon, whose employment is supplying the Settlement with goods, &c. in exchange for the produce of the country.

The parish church is situate two miles from Parrsborough on the main road to Cumberland. Between this church and what is called the Boar's Back, at Franklin Manor, the best land on both sides of the road was, in the year 1774, laid out into farm lots by order of His Majesty's Government for public sale, and the upset price limited at sixpence per acre; but no sale could be effected, and no bidders appeared, although due and general notice was publicly given at this place and in every town and county throughout the Province, by handbills and public newspapers of the day; and in the year 1783, these valuable lands were assigned to such families as were inclined to settle on them, and many of them are becoming excellent farms.

There is some good interval on the river, and from the quality of the land there is little doubt of its becoming a thriving settlement. Further on towards Cumberland, is the Mekan Settlement, situate on the Mekan River, which is in excellent condition; the farms well improved and stocked with cattle.

As you approach the Settlement of Amherst, the country opens and expands to an extensive range; and when you arrive at the summit of Fort Lawrence Hill, you have an interesting view of the surrounding country, and of the river Missiguash, its meadows and marshes; but the most imposing view is from the bastion of Fort Cumberland, when you have the Great Tantaramar, the Missiguash, Barronsfield, the whole township of Sackville, and the distant Chepody Mountains, at one view; and the vast stacks of hay on the marshes, made up in the true English manner, convey a favourable and correct idea of the stock and butter it is capable of yielding.

This part of the Province was justly held in high estimation by the French, from the very extensive marshes they dyked in from the sea.

There are sixty families in the township of Amherst, who have on an average from forty to fifty head of cattle, exclusive of many horses, sheep and hogs.

In the district of Fort Lawrence there are about twenty families, chiefly of the first farmers in the county, having upon an average about sixty head of horned cattle to each family, exclusive of horses, sheep and hogs; and the rivers Nepaca, Mekan and Hebert, including Menudic, a French settlement near Barronsfield, contain about 100 families, with large stocks of cattle. The settlements on the River Philip, Pugwash, West Chester or Cobequid Mountain, and Remsheg, contain about 150 families, but have in general only small stocks of cattle, about twenty head to each family.

The county of Cumberland exports annually, chiefly to the markets of Halifax, upwards of 600 head of fat cattle, 1,500 firkins of butter, besides a very considerable

siderable quantity of cheese, oats and vegetables ; and if these lands had a sufficiency of able farmers to work and improve them, there is little doubt but the produce would increase to a great amount.

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It may serve to convey somewhat more of a probable idea of what this valuable portion of the country is capable of producing, by the following Statement of the Marshes in this and the adjoining County ; viz.

						Acres.
The Township of Amherst, Marshes	-	-	-	-	-	12,000
Ditto - Cumberland d°	-	-	-	-	-	15,000
Ditto - Sackville d°	-	-	-	-	-	10,000
Memramcook	-	-	-	-	-	7,000
Petecoudiac and Chepody	-	-	-	-	-	6,000
River Mecan	-	-	-	-	-	3,000
River Hebert	-	-	-	-	-	5,000
						<hr/> 58,000 <hr/>

These immense tracts of marsh, if divided among a number of enterprising men, with the means and dispositions to improve them, would soon become sources of wealth ; but at present they are owned by a few individuals, to the exclusion of useful Settlers.

The navigation of the Bay of Fundy, (owing chiefly to the fogs which prevail in the summer season) has been represented as difficult and dangerous, but the experience of years has established one important fact, that among all the vessels employed in New Brunswick and this Province, and navigating in the Bay of Fundy, fewer vessels have been lost, in proportion to the number passing in the Bay, than on any other part of the American Continent of the same extent ; and the tides very much accelerate the dispatch of vessels up and down the Bay ; and when accidents have happened, they have been owing to carelessness, or in delaying the time of sailing too late in the fall of the year.

In passing down the Bay from Cumberland for Halifax, Apple River, Isle Holt, the Gut of Annapolis, or Briar Island, which is the western extremity of the south shore of the Bay of Fundy, afford safe shelter for vessels delayed by the tide or wind ; from thence they proceed to Yarmouth, and have friendly harbours intervening the whole distance to Halifax.

The land from Barronsfield to Cape Chignecto, except at Apple River, is high inaccessible cliffs, and on which are only three or four settlers, and three families at Apple River, and afford no place of landing or embarkation, except at Apple River and the Coal Mine.

There is a coal mine and salt spring at the river Philip ; and at Cape Dore and Toney's River, copper has been found of good quality ; and very strong indications of that metal appear between Tatamagouch and Carriboo and the Basin of Mines.

Iron ores are to be found in different parts of the Province, but those at Nictau in the county of Annapolis are considered the most valuable. From the principal attraction of the needle of the compass in the surveys of the wild forest lands, there can be little doubt that when the country becomes more generally settled, and these forests reclaimed, so as to admit of easy exploration and examination, that iron in abundance, as also copper, will be discovered on the Isthmus of the Province.

TOWNSHIP OF NEWPORT.

Bounded by Windsor Township on the West, by Rawdon on the South and East, on the North by the river Avon, containing 100,000 acres, was granted in 1763, and is equal to any in the Province for extensive improvement and cultivation, and exhibits delightful scenery.

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NOVA SCOTIA,				Acres.
Exclusive of Cape Breton, contains	-	-	-	8,789,000
Of which were granted, prior to the year 1782, to the old Settlers	-	-	-	1,971,726
To the new Settlers, between 1st of May 1783 and 31st December 1786	-	-	-	1,255,582
				3,227,308
There remained in the Crown	-	-	-	5,561,692

GENERAL STATEMENT of the Grants of Land made in NOVA SCOTIA, from the Year 1749 to 1826 ; showing the Reservations of Mines and Minerals to the Crown.

Periods of the Grants.	Quantity of Land granted.	Of which has been escheated.	Quantity of Land still held by Grant.	Reservation of Mines to the Crown.	REMARKS.
	Acres.	Acres.	Acres.		
From 1749 to 1752 -	12,000	500	11,500	In some of these Grants, Mines of Gold and Silver, Precious Stones and Lapis Lazuli are reserved, but in most of them there is no reservation whatever.	These Grants include the Town, Suburbs and Peninsula of Halifax. Farm Lots on the Harbour and Vicinity of Halifax.
From 1752 to 1782 -	2,890,062	1,945,372	956,690	Mines of Gold and Silver, Precious Stones, and Lapis Lazuli are reserved, and no other.	These Lands were escheated for the reception of the great bodies of Loyalists and disbanded Corps, who settled in this Province in the years 1783 and 1784, and consisted chiefly of large Tracts, situate in the County of Shelburne, Sidney, Poictou, County of Hants, Cumberland, and Halifax.
From 1783 to 1808 -	1,873,941	206,790	1,667,151	Mines of Gold, Silver, Lead, Copper and Coals are reserved, and no other.	
From 1809 to the present time -	1,343,936	-	1,343,936	All Mines and Minerals of every description are reserved to the Crown.	
Total Amount	6,119,939	2,152,662	3,979,277		

By the above Statement it will appear,
That - - - 6,119,939 Acres have been granted.
Of which - 2,152,662 Acres have been escheated.
And that - 3,979,277 Acres are still held by Grants.

It further appears,
That upon - 11,500 Acres there is no Reservation of any Mines and Minerals (except in a few Grants to the Crown.)
That upon - 956,690 Acres, Mines of Gold and Silver, Precious Stones and Lapis Lazuli are reserved.
That upon - 1,667,151 Acres, Mines of Gold, Silver, Lead, Copper and Coals are reserved.
And that upon - 1,343,936 Acres, Mines and Minerals of all descriptions are reserved to the Crown.

Halifax, }
17 April 1826. }

(signed) Charles Morris,
Surveyor General.

INFORMATION on the following HEADS ; viz.—

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QUERIES :

ANSWERS :

1st. What extent of Land has been granted in the Province to individuals or corporate bodies, during the last twenty years, under the King's instructions.

1st. About 1,381,911 acres.

2d. What is the general average Quantity of Land granted to each person, and state the Maximum and Minimum of the number of Acres so granted.

2d. The general average is 237 acres to each grantee.

The Maximum - - 4,000 acres.

The Minimum - - 1 acre.

The small house lots and water lots not noted.

3d. What is the general Quality of the Land so granted.

3d. About one third of a good soil, the remainder affording wood and timber for building, fuel, fencing, and other useful purposes, ship-building, &c.

4th. What are the Conditions of the Grants as to the improvement and settlement.

4th. Within three years from the passing of the grant, to clear three acres for every fifty of plantable land, and erect a dwelling-house of twenty by sixteen feet, and keep upon every fifty acres accounted barren three neat cattle, and in any quarry to keep one hand in digging and working said quarry.

5th. What are the extent of the Improvements made.

5th. As no survey has ever been made of the extent of the Improvements, no certain estimate can be at present formed of them; but on a moderate computation, they cannot be less than ten for every hundred acres.

6th. What Rents or Quit Rents to the Crown are imposed in the Grants.

6th. Two shillings for every hundred acres granted.

7th. Have the Rents or Quit Rents so imposed ever been paid or demanded.

7th. Never, except in a few instances about the years 1769 and 1770.

8th. What quantity of Waste Lands of the Crown is still ungranted in the Province.

8th. About 3,789,000 acres, including land covered by lakes, ponds, rivers, rocks and barrens.

9th. Give some general estimate of the Value per hundred acres of the different qualities of Land which remains ungranted.

9th. I should consider the land of the first quality, lying contiguous to public roads, or accessible by water, to be worth from 2s. to 2s. 6d. per acre; the remainder of the ungranted lands, in their present state, is not worth more on an average than from 6d. to 9d. per acre; but when the forest lands are penetrated by internal communication, and the mill streams that intersect them are occupied, and the saw and grist mills in operation, these lands must naturally increase in value.

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10th. What are the Reservations to the Crown, in the grants at different periods, as to Mines and Minerals.

10th. From the year 1809 to this day, all Mines of gold, silver, lead, copper and coals, Lapis Lazuli, precious stones and iron, are reserved to the Crown, also all white pine trees. From 1809 back to 1770, the same reservations, except in a few instances, one of which appears deserving of notice, at Cape Dove, the place said to contain a valuable copper mine. In the grant of this land, the only reservation to the Crown is gold and silver, precious stones and Lapis Lazuli; in the grant of Franklin Manor, 20,000 acres, only gold, silver and coals are reserved; in the grant of 20,000 acres to Col. Dessbarrs at Tatamagouche, gold, silver and coals are reserved; the same in the grant of 20,000 acres to Sir John Wentworth at Merigumish; in the ancient grants of the township, gold, silver, copper, coals, Lapis Lazuli and precious stones only are reserved.

15th Feb. 1826.

(signed) C. Morris.

POPULATION OF COUNTIES.

1817: Lunenburg	-	-	-	-	-	-	6,428
Sydney	-	-	-	-	-	-	7,090
Cumberland	-	-	-	-	-	-	2,965
King's County	-	-	-	-	-	-	7,145
Shelburne	-	-	-	-	-	-	7,719
Annapolis	-	-	-	-	-	-	9,817
Hants	-	-	-	-	-	-	6,318
Queen's	-	-	-	-	-	-	3,098
Halifax	-	-	-	-	-	-	30,196
Yarmouth and Argyle	-	-	-	-	-	-	5,892

Total Population of Nova Scotia (exclusive of }
the Island of Cape Breton) in the year 1817 } 86,668

Since that period it has increased to upwards of 100,000, and including county of Cape Breton, cannot be less than 120,000.

GENERAL OBSERVATIONS.

		Acres.
Nova Scotia, exclusive of Cape Breton, contains	-	9,000,000
County of Cape Breton	-	2,000,000
		11,000,000

Of the former, one third computed to be barren rocky land, incapable of cultivation; one fourth, lakes, ponds, waters, swamps, &c.

(signed) C. Morris,
Surveyor General.

26th June 1827.

COPY of a Letter to Lieut. Colonel Cockburn from J. Spry Morris, Esq. Assistant
Surveyor General of Nova Scotia.

Surveyor General's Office,
Halifax, N. S. 27th June 1827.

Sir,

IN compliance with your directions, I have the honour to send a Plan of the Province of Nova Scotia, which I hope will meet your wishes; at the same time, I must candidly inform you, that it is not given as a minute and accurate description of all the locations as they actually were laid out, but rather the general outline of the different granted lands. Indeed, this Office does not contain the requisite materials for compiling such a plan; the mere outline of the Province is perhaps nearly so; but even Dessbarres, who was no ordinary surveyor, has left some points undefined, and there are no surveys whatever of the numerous streams that discharge themselves from this Province, unless you call such the returns of deputy surveyors, some of whom are wretchedly deficient; and, in fact, if they had possessed ability, *there were no means placed in the hands of the Surveyor General* to enable him to proceed in a scientific manner; the consequence has been, that no regular settlements (except very lately) have been formed in this Province; but the practice uniformly was, for a man to select a piece of land, and then for him to apply for it, when a warrant was given to take it wherever it could be found; and upon this authority the Deputy Surveyor proceeded to survey the allotment, which if bounding upon a river or a road, he never took the trouble to survey, but merely fixed upon one point, and then run perhaps the side lines, including perhaps within these lines more water than land; and this practice was pursued in the surveys and granting of townships. The starting point was defined, and from that a line, or the external limits, were ascertained, and a calculation made that there was so much land. Upon this a division took place among the proprietors; and not until years afterwards (when the labour of some had made their lands valuable) did they discover that, owing to the numerous lakes and barrens within the limits of their grant, where individuals expected to find a nice lot of land, he found himself in snug possession of a lake or barren, as it is emphatically termed; hence arose a fruitful source of litigation between the parties.

I should not have thought it necessary to say so much, only that perhaps you might not be altogether aware of the difficulty there is in compiling a plan from many thousand small imperfect surveys; and now we are rather obliged to fit these surveys to the outline of the Province, than to put them down as they actually are on the ground.

It will strike you at once, upon viewing the Plan, that there is still a very considerable proportion of lands in right of the Crown, particularly in the counties of Annapolis, Shelburne, Queen's and Lunenburg; but from all the accounts we have received, I am confident that 40,000 acres of land fit for settlement cannot be found in one tract in either of the four counties. Those blocks of land which are marked on the Plan have not been closely examined, but have been merely passed through, and there are hundreds of small lakes whose situation we are not sufficiently acquainted with so as to enable us to lay them down with accuracy. The county of Sydney, I think, contains a greater proportion of land fit for settlement, in comparison of the lands still remaining in right of the Crown, than any other, and has the advantage of good harbours; but I think the quantity reported as fit for settlement rather over-rated.

I am rather pushed for time, but hope by the Government brig to transmit some further information. I inclose an account, a copy of which has been presented to the Provincial Secretary. Should any thing occur to you in Canada that can be furnished by this Department, it will give the Surveyor General, I am sure, much pleasure to forward it to your address in England.

I am, &c.

(signed) *John S. Morris,*
Assistant Surveyor General.

NOVA SCOTIA.

Appendix (A.)
No. 2.

(A.)—No. 2.

COPY of a Letter from Peter Crerar, Deputy Land Surveyor, to John Spry Morris, Esq.

Sir,

Pictou, 14th May 1827.

YOUR Circular, of date 7th ultimo, commanding me to attend Colonel Cockburn, should he visit this district, and furnish him with all the information in my power, I received, and proceeded immediately to collect information on the points mentioned in your letter, and have now the honour of submitting the result to you. Should Colonel Cockburn visit this district, I will gladly obey any commands with which he may favour us. First, in adverting to the subject of this query, it will be best to mention the townships into which the district has been divided: to wit, Pictou, Egerton, and Maxwelton. Pictou is the western. In it the land is almost all granted or located, except such lots as are of an inferior quality or in inconvenient situations, and therefore not considered fit for settlement. In different parts throughout this township there are probably from two to three thousand acres of ungranted lands; part of it, before many years, may probably be sought after, but a great part will never be accounted worth the expense of a grant.

Egerton, the next township, comprehends all the East River, from its mouth nearly to its source, and a great part of the Middle River. It is all granted and located, except a tract upon the south side, which has hitherto been considered too remotely situated, considering its supposed qualities for settlers. Of the quantity in this tract I cannot make even a supposition, but the quality, partly from observation of others, I am induced to believe by no means good. I speak generally, for there are, no doubt, some good pieces, and perhaps of considerable size. The ungranted land on the East River commences about thirty miles from Pictou Harbour by the courses of the river. The tide flows about eight miles of this distance, near the head of which is situated the small town of New Glasgow.

Maxwelton is the eastern township of the district, and extends from west to east, along the shore of Merigomish Harbour, about fourteen miles. The front or northern part of the township, to the extent of about twelve miles from Merigomish Harbour, is nearly all located, and a great part of it settled. Between that and the district line of St. Mary's in the south, and the line of the county of Sydney on the east, is ungranted. This is the only large body of good ungranted land in this district, containing about 40,000 acres, chiefly covered with hard wood. Ever since the formation of a Board of Land Commissioners here, I have particularly turned my attention to this part of the district, and directed settlers to it. I have during that time surveyed lots to about forty settlers, within the twelve miles from the shore as above mentioned; and, at the recommendation of his Excellency Sir James Kempt, also surveyed and marked off, in lots of 200 acres each, about 6,000 or 7,000 acres ready for location. This large tract of land I know from personal survey and observation to be of a most excellent quality, is well watered by Barney's River, running into Merigomish Harbour, and the branches of the St. Mary's, running into the Atlantic; the streams are small, this being their source, and not fit to float timber; there are also several small lakes, some of which abound in trout. Roads could easily be cut through it in any direction, to unite the roads of the three Settlements above mentioned, there not being more than nine miles between the extremities of any two of them.

Fishing could not be carried on by settlers on any part of the ungranted lands in the district of Pictou.

2d Query.—My knowledge on the subject of this query is very limited, but I think for the kind of payment you mentioned, land could be cleared, unless particularly difficult, for from 3*l.* 10*s.* to 15*s.* per acre; this does not include fencing.

3d Query.—I think about 15*l.* or 20*l.* would build a comfortable house for a settler.

4th Query.—It is impossible to give you a correct idea of the value of Wilderness Land, as it bears a different price in every different situation, often selling for 5*l.* and sometimes for 40*l.* a hundred acres. There is, perhaps, no land which has been taken up within a number of years past, that would bring above 10*l.* a hundred.

Herewith

INSTRUCTIONS AND REPORT ON EMIGRATION. 27

Herewith I have sent you a list of the lots of land granted, but not settled; in this I am not exactly correct, as I have only been guided by my general knowledge of the district, and reference to plans. Three or four thousand acres in addition would probably cover the omissions in my statement. I have counted all those lots settled, on which, though containing 500 acres or more, there is one settler. Your several recommendations I shall carefully keep in view.

I have the honour to be,

Sir,

Your most obedient humble Servant,
(signed) *Peter Crerar*,
Deputy Land Surveyor.

NOVA SCOTIA.
Appendix (A.)
No. 2.

To John Spry Morris, Esq.

RETURN of Granted Lands unsettled in the District of Pictou in 1827.

GRANTEES NAMES.	No. of Acres granted.	No. of Grant upon General Plan.	WHERE SITUATED.	REMARKS.
James Armstrong, Esq. -	500	54	{ 2d Division, N. Side of } Pictou Harbour - }	Settled by Intrusion, but abandoned.
James Robson, Esq. -	500	53	- - ditto.	
John M'Colla, Esq. -	240	437	{ Scotch Hill, N. W. of } Pictou.	
Heirs of Phil. Marchinton	1,400	182	{ Between Three - Brook } and Caraboo River.	
Ditto - - -	200	- -	Big Caraboo Island.	
Minister's Lot - -	500	436	{ Scotch Hill Road to } River John.	
Glebe ditto - - -	500	- -	- - ditto.	
Schoolmaster's ditto -	500	- -	- - ditto.	
John Mackay - - -	500	897	{ 2d Division, E. Branch } River John - - }	Sold, but not settled.
Peter Kilgour - - -	200	420	Rear of Milne's Grant -	- ditto.
Alexander M'Donald -	450	- -	- - ditto - -	- ditto.
William Ridston - -	500	950	- - ditto - -	- ditto.
Phil. Merchinton - -	1,400	182	Gulf Shore, Cape John -	{ Some few Settlers } by leave.
Robert Stewart - - -	250	750	2d Division, Gulf Shore	
Thomas Davison - - -	500	299	River John Road.	
George Logan, senior -	200	- -	S. of River John Road.	
George Logan, junior -	100	- -	- - ditto.	
James Logan - - -	100	- -	- - ditto.	
Robert Logan - - -	100	- -	- - ditto.	
John, George, and D. } Mingo - - - }	400	633	{ 2d Division, E. Branch } River John.	
John Tullis - - -	500	998	N. S. E. Branch ditto.	
John Stoddart - - -	250	- -	- - ditto.	
John and David M'Gill -	400	- -	South Side ditto.	
Windsor College - - -	5,000	- -	River John.	
William Robertson - -	362	419	E. Side ditto.	
George Davison - - -	282	- -	- ditto.	
Samuel Langille - - -	150	- -	W. Side ditto.	
Carried forward -	15,984			

NOVA SCOTIA.
Appendix (A.)
No. 2.

Return of Granted Lands unsettled in the District of Pictou in 1827—continued.

GRANTEES NAMES.	No. of Acres granted.	No. of Grant upon General Plan.	WHERE SITUATED.	REMARKS.
Brought forward -	15,984			
Alexander Thain - -	200	640	{ 2d Division W. Side River St. John.	
Robert Allan - -	250	1,152	- - ditto.	
George Pallrigan - -	450	633	{ N. W. Corner of College Land.	
John G. Marshall - -	250	494	{ Upper Settlement, E. Side of River John.	
William Rankine - -	200	881	- - ditto.	
John Taylor - -	300	626	{ River John Road, Upper Settlement - -	7 or 8 Acres cut down, but not settled.
David Creighton - -	300	- -	- - ditto - -	- - ditto.
James Stewart - -	250	644	W. of Mount Dalhousie.	
Peter M'Lean - -	200	626	- - ditto.	
Alexander Craig - -	200	763	- - ditto.	
James M'Cara - -	350	623	Head of River John.	
James M'Intosh - -	200	645	- - ditto.	
Elizabeth M'Gill - -	384	- -	- - ditto.	
Rev. John Mitchell - -	300	376	- - ditto.	
James Miller - -	200	507	S. of Mount Dalhousie.	
John M'Lellan - -	200	764	- - ditto.	
Robert Paterson - -	300	897	- - ditto.	
Andrew Marshall - -	400	882	- - ditto.	
Alexander Archibald - -	300	- -	- - ditto.	
John Boyd - - -	500	- -	Mount Thomas Road.	
William M'Kenzie, senior	200	796	{ Head of W. River of Pictou.	
William M'Kenzie, junior	200	- -	- - ditto.	
Daniel M'Kenzie - -	200	- -	- - ditto.	
Thomas W. James - -	410	131	{ Between E. and Mid. River.	
John Campbell - -	200	1,085	Toney River.	
James Milne, Esq. - -	5,000	- -	Toney River - -	About 1,600 acres sold.
James Robertson - -	500	598	{ Barney River, Merigo-mish.	
Eliza Fraser - -	100	142	{ Between Mid. and W. Branch Barney River.	
Hugh Fraser - -	500	797	W. Branch Barney River.	
James Gilles - -	300	- -	2d W. Branch ditto.	
John Waggoner - -	200	- -	- - ditto.	
Robert Gillies - -	200	- -	- - ditto.	
Donald Robertson - -	100	- -	{ 3d Division, rear of 82d Grant.	
John Smith - - -	50	598	- - ditto.	
Robert Sturgeon - -	150	499	- - ditto.	
John M'Owen - -	250	- -	- - ditto.	
John M'Kay - -	500	678	4th Division ditto.	
Alexander Fraser - -	500	162	5th Division ditto.	
John Fraser - -	500	- -	- - ditto.	
Lawrence M'Cabe - -	500	- -	- - ditto.	
Carried forward -	32,278			

NOVA SCOTIA.
Appendix (A.)
No. 2.

Return of Granted Lands unsettled in the District of Pictou in 1827—continued.

GRANTEES NAMES.	No. of Acres granted.	No. of Grant upon General Plan.	WHERE SITUATED.	REMARKS.
Brought forward -	32,278			
Samuel Cameron - -	400	- -	{ 5th Division, rear of 82d Grant, Merigomish.	
William Fraser - -	200	- -	{ Ditto 2d Range, E. of Sir J. Wentworth's Grant.	
Donald M'Donald - -	200	- -	- - ditto.	
John M'Kinnon - -	300	- -	- - ditto.	
Angus M'Donald - -	500	597	Range - ditto.	
Charles M'Vicar - -	200	- -	Range next Wentworth's.	
John Thompson - -	350	- -	- - ditto.	
Angus M'Vicar - -	200	- -	- - ditto.	
Valentine Laws - -	300	- -	- - ditto.	
James Brown - -	200	- -	- - ditto.	
John Johnston - -	200	- -	- - ditto.	
Matthew White - -	200	- -	- - ditto.	
Constantine Adamson -	500	- -	S.E. Corner Wentworth's.	
Archibald M'Lean - -	300	- -	W. Branch Barney's River.	
Alexander M'Donald and Sons - - - }	700	- -	{ 1st Division, rear of 82d Grant.	
John Cameron - -	200	- -	- - ditto.	
Hugh Cameron - -	200	- -	- - ditto.	
John Smith - -	420	- -	- - ditto.	
Charles M'Gee - -	400	- -	- - ditto.	
Barnabus M'Gee - -	300	- -	- - ditto.	
John Small - -	200	- -	82d Grant, 3d Division.	
Alexander M'Queen - -	200	- -	- - ditto.	
Donald M'Donald - -	200	- -	- - ditto.	
David Simpson - -	300	- -	2d Division, 82d Grant.	
Lawrence M'Cabe - -	200	- -	- - ditto.	
James Campbell - -	200	- -	- - ditto.	
Robert Dunn - -	200	- -	- - ditto.	
William Hattie - -	200	- -	E. Branch Barney River.	
Sir J. Wentworth - -	20,000	- -	Merigomish - -	{ About 7,000 sold, and about 1,000 occupied by Intruders.
Acres -	60,248			

(A.)—No. 3.

LETTER from W. Taylor, Esquire, to the Honourable C. Morris.

Sir,

Guysborough, 16th April 1827.

I HAVE the honour to acknowledge the receipt of your much-esteemed favour of the 9th instant, on the subject of Colonel Cockburn's intended visit to this place, and his Excellency's request that I should afford him all the information in my power respecting the objects of his visit. I beg you will convey to his Excellency the assurance that nothing shall be wanting on my part to promote his good intentions, as respects these objects, as far as my local knowledge will enable me.

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— regret

NOVA SCOTIA.

Appendix (A.)
No. 3.

I regret that the season is so unfavourable for exploring, owing to the streams and swamps being full, and the snow not yet gone out of the Woods; otherwise I should have felt it to be proper, in compliance with his Excellency's request, to traverse an extensive tract of ungranted land, which lies north-west of this township, and extends in that direction to the Settlements of Antigonish, and westwardly to the Country Harbour Grant, and to the lands formerly surveyed by me for the reception of Emigrants adjoining thereto. This is the only tract of any extent in this district with which I am unacquainted, and I have reason to think that it contains much good land. However, if the season continues favourable, I trust I shall be able, during the first week in May, to accomplish it. As respects the tract between the east branch of St Mary's and Merigomish, my assistant, Haltie, has been several times across it, and reports it to be of superior quality; but I have no plans showing its extent northwardly.

In my humble opinion, Country Harbour presents the most favourable situation for commencing the proposed Settlement; as the country adjacent thereto is already opened by roads in different directions, and there are yet extensive tracts of ungranted lands of a good quality within a short distance of its navigation, part of which has been already surveyed for Emigrants. It is, however, much to be regretted, that there are so many unoccupied and even unclaimed lots in the Country Harbour Grant adjoining these ungranted lands. Eight miles on the main road from Guysborough to St Mary's, and four on the road from Country Harbour to Antigonish, both within this Grant, are wholly unsettled, with the exception of two families near Country Harbour River, and a single man who is settled about two miles from it towards St. Mary's: and nearly the whole of this extent is land fit for settlement. Were these lands again invested in the Crown, it would be of vast importance in the formation of such a settlement as the one contemplated. It would appear, that in the original allotment of the Country Harbour Grant, two large tracts, one at the south-west angle, containing about 4,000 acres, and the other at the north-west angle, containing about 2,000, were left unallotted, there being probably more land within its bounds than there were then claimants. The former of these tracts lies west of Country Harbour River, and the main road runs through it. I was employed about ten years ago, by some persons who pretended to have unsatisfied claims for land in this Grant, but which I have since discovered was only pretence, to lay out this tract in 500 acre lots, similar to the rest of the Grant, that they might obtain the lands which they claimed. This I did at their request and risk, so far as taking a survey of the road, and fronting off the lots upon it. And one Hudson, of Country Harbour, who claimed 1,000 acres in the right of his deceased brother, Joel Hudson, a disbanded Lieutenant of the regiments which were settled at Country Harbour, took possession of two lots, and one Bradford of another. These lands, however, still remain unsettled, with the exception of, I believe, 200 acres, on which the single man I before mentioned is settled, and whose improvements are very small. The Honourable Michael Wallace, as the agent or assignee of Sir James Wright, was entitled to 500 acres in this Grant, and had it located in this tract; and Joseph Marshall, Esq. formerly a Captain in one of the regiments before mentioned, had also a similar claim, and drew 500 acres; so that, exclusive of the two locations last mentioned, and the tract settled as aforesaid, there are yet about 2,500 acres of this tract unsettled, and the whole of the tract at the north-west angle. My object in making this statement is, to request your opinion, previous to Colonel Cockburn's arrival, whether these lands are not liable to be disposed of as Crown Lands; because, owing to the facility of communication which the road affords, and their proximity to the navigation, they would be an important acquisition for the ready reception of Emigrants.

In addition to this, it would be desirable to know if any means could be adopted to re-invest the Crown with the unclaimed lots formerly drawn in this Grant, the owners of which are either dead or gone out of the Province, and there being no means of obtaining titles to them unless by escheat.

There are also, between the two blocks of allotments formerly surveyed by me for the reception of Emigrants, several tracts of excellent land, which were granted eight or nine years ago to Captains and other Officers of the Royal Navy, on which no kind of improvements or Settlements have yet been made, and this is a peculiar hardship to the adjoining settlers, who have been obliged to open roads in different directions through these lands, to gain access to the adjacent Settlements. Were these,

these, and the tracts I have mentioned before, escheated, there would be sufficient space to form an extensive and compact Settlement ; the whole within ten or twelve miles of the navigation, and on lands through which roads are already opened in different directions.

NOVA SCOTIA.
Appendix (A.)
No. 3.

Liscombs is an excellent harbour, but the valuable lands lie far from the navigation, and extensive barren tracts intervene. Access to the good lands on the new road from St. Mary's to Musquedoboit, must be by the way of these Settlements, and will be subject to a long land carriage. However, should extensive Emigration be contemplated, these lands are at present most easily accessible from the navigation at St. Mary's ; but taking into account the unexplored lands first mentioned, between Country Harbour, South River and Guysborough, Country Harbour would be the most central point for the whole ; and from an establishment commenced there, Settlements on all these lands might be supplied with greater facility than from any other single point within my knowledge.

Should Colonel Cockburn's arrangements permit, I should be glad if his visit to this place might be postponed until about the 20th of May, as our Inferior Court sits here the second week in that month ; and being Prothonotary, my unavoidable engagements in that office would, in the event of his arriving near the time, interfere with the particular attention which I am very desirous of devoting to him, and to the objects which he has in view. I shall, however, use every exertion to be prepared in case of his arrival at the time you have mentioned.

I have the honour to be, &c. &c.
(signed) *Wentworth Taylor*,
Deputy Surveyor.

Honourable Charles Morris,
Surveyor General, &c.

LETTER from W. Taylor, Esq. to Lieut. Colonel Cockburn.

Sir, Guysborough, 10th June 1827.

IN order to afford the best information in my power of the extent and situation of the ungranted and unlocated lands in the Lower District of the county of Sydney and its vicinity, and the navigable points from which they are most easily accessible, I have compiled a Map of the District, with the exception of the coast and harbours from Canso to Country Harbour, of which I have no plans or connected surveys, and have also sketched the new road from St. Mary's to Musquedoboit. To these I would beg leave to refer for the purpose of elucidating the following Statements.

As respects the quantity of ungranted or unlocated lands which may be reckoned fit for settlement, this cannot be accurately known until they are actually surveyed ; but the following may be taken as below the actual amount ; viz.

The tract between Guysborough, Country Harbour, and Antigonish, marked A, contains 40,000 acres ; allow for swamps and broken ground, one fourth ; remain - - - - -	Acres. 30,000
Lands adjacent to this tract, part of which were formerly laid off by order of Government for the reception of Emigrants, part fronting on the south river of Antigonish and its lake, and part on the main road between Country Harbour and St. Mary's, marked B. - - - - -	10,000
The tract north-east of Milford Haven, and lying between it and St. George's Bay, contains about 25,000 acres ; allow two fifths for barrens and broken ground ; remain, marked C. - - - - -	15,000
Lands between Salmon River and New Harbour, including the ungranted lands about the latter, marked D. - - - - -	15,000
Within the District - - - - -	70,000
On the west branch of St. Mary's, Liscomb Lakes, and the new road from St. Mary's to Musquedoboit, marked E., supposed of good land - - - - -	50,000
Total - - - - -	120,000

NOVA SCOTIA.

Appendix (A.)
No. 3.

A great proportion of the Tracts A. and B. are good hard wood land, abounding with excellent water, beautiful lakes, and good situations for mills. Trout, and, in their season, alewives, are abundant in the streams and lakes that fall into Country Harbour and Salmon River. The northern part of the Tract A. lies contiguous to the main road from Guysborough to Antigonish, which is a carriage road, and touches the head of Milford Haven. About half of this tract might be made accessible to its navigation, in a distance of from eight to fifteen miles, by roads leading into the main road, or in a distance of eleven or twelve miles, by a direct road from the upper lakes on Salmon River, to the head of Milford Haven. The southern part of this tract, and the lands adjacent, marked B, are most easily accessible from Country Harbour. This is an excellent harbour, and navigable for vessels of any burden within three miles below the head of the tide, as marked on the map; and a great proportion of the Tracts A. and B. lie within eight to twelve miles of the ship navigation on this harbour, from which a road running about north-east would lead through the main body of the Tract A.; but the present road from Country Harbour to Antigonish, and other roads connected with it, make a large quantity of these lands of easy access at present.

The Tract C. is conveniently situated to the road from Milford Haven to Tracadie, and to the navigation of both. There is an extensive barren tract running through it; but on the northern side the land is good, and also to the eastward of Clam Harbour Lake, and some ranges near the Tracadie Road above mentioned. Three miles of a road is already opened and improved from the navigation at the head of the Narrows of this harbour (to which large vessels can come) in a direct line to the nearest angle west of Clam Harbour Lake. This is the proper situation, and in fact is intended for a road to extend across the country to Harbour-au-Bushee, which will lead through this tract.

The main body of the Tract D. is most easily accessible from the navigation at Guysborough. On the southern line of this township, which was run by me, there is considerable extent of good land, which I am informed extends for some distance each way; that is, north and south. On New Harbour, and the streams which fall into it, there are considerable tracts of land, which, although not of the best quality, yet being convenient to the navigation, may be considered as fit for settlement. The soil is in general good, but in some parts the lands are rocky.

The lands on the west branch of St. Mary's, and on the road between it and Musquedoboit, are at present most easily accessible from the St. Mary's. Sherbrooke village is at the head of the navigation on this river, and is the principal place of trade in the township, being the outlet to an extensive and increasing Settlement. A considerable lumber trade is carried on from this place. The road which leads from Sherbrooke into the country is the only communication from the coast into the main road leading to the capital, in the whole extent from Country Harbour to Sheet Harbour. The distance to these lands is from twenty-five to forty-five miles. On the south side of the west branch of St. Mary's there is an extensive range of fine land. This stream is navigable for timber, and for flat boats or canoes in spring and autumn when the waters are high.

About half way from this river to the Sheet Harbour Road, on the new road to Musquedoboit, there is a large tract of good land, bordering in many places upon fine lakes; and in the streams connected with them there are many good situations for mills. Pine, spruce, and other suitable timbers for building, are in many parts, particularly about the lakes and streams, in considerable quantities. Near the Sheet Harbour Road there is also a tract of good land, but I believe it is partly located. On other parts of this road there are tracts of land of a good quality, but these I have mentioned are the principal ones.

I would here beg leave to suggest the propriety of having some general lines for roads well explored and laid out in different directions, and in the best situations, through the principal tracts which I have described, connecting with those already opened, before any plan of allotting them is adopted.

The convenience and interest of the Settlers will depend much upon their knowing at first where roads are to be made, and in having as many lots fronting on them as possible. And it should be remembered, that few situations in this country admit of a good road being made for any great distance upon, or even near to,
a direct

a direct line or general boundary between blocks or ranges of lots previously laid out ; any deviation from which would deprive a part of the Settlers of having access through their own lands to such roads.

NOVA SCOTIA.
Appendix (A.)
No. 3.

Should it be in view to settle Emigrants in situations where they would be wholly or principally dependent upon the fisheries or other maritime pursuits for subsistence, there are several harbours and convenient situations for that purpose on the sea coast of this district, between Mary, Joseph and Canso, about which the lands are yet in whole or in part at the disposal of the Crown. Among these is Liscomb Harbour, which is equal for safety and for depth of water to any in the Province ; and in the eastern side of which a considerable body of land, some of it of good quality, is yet ungranted. The western side of Little St. Lawrence or Legozin, which lies between Liscombs and St. Mary's, is ungranted, and the harbour is a safe and convenient one. All the harbours, from St. Mary's to Country Harbour inclusive, are within the original St. Mary's Grant. Of these, Hollands, Beckerton and Fisherman's Harbour are safe and very convenient to the fisheries, and, with the exception of one or two settlers, are wholly unsettled. Island Harbour, Coddels, Raspberry and Molasses Harbours are also convenient situations, and the lands about them are to the best of my knowledge wholly ungranted and unlocated. Besides these there are many other inlets and islands which would furnish convenient situations for fishermen, particularly the numerous islands about Canso, most of which are yet at the disposal of the Crown. And to this class of Settlers there are few situations in any country where a greater abundance of fish may be taken, convenient to the residence of those employed in this business, than in several of the places which I have mentioned.

Before concluding this Report, I beg permission to express a hope, that the central station of Guysborough or Milford Haven, as respects a very considerable proportion of the ungranted lands in this district ; its convenience to extensive fisheries ; its safety and accessibility for shipping at all seasons ; added to the natural beauties of the scenery about it, of which you and the gentlemen accompanying you were pleased to express your admiration ; will induce you to consider it as one important station for an establishment connected with the settlement of these lands by Emigrants. And in view of this I am authorized to state, for your further information on this subject, that should there be amongst the Emigrants any English or other British farmers desirous of purchasing lands in a situation possessing so many advantages, there are several excellent farms bordering on this harbour, and some of them commanding views of the surrounding scenery superior to what you saw, which are for sale upon the most reasonable terms, the present owners having incumbered them by engaging in the fisheries, and neglecting their cultivation.

In reference to the expense of clearing new lands for crop, that is, for chopping down or burning off the whole, I have made extensive inquiries, and from my own knowledge cannot rate it below 3 *l.* per acre.

I have no idea of what it would cost to extract the stumps when they are green ; it is not practised in any part of this country.

The best season for peeling rinds is from the middle of May to the middle of July.

The expense of a hut built of round logs or poles, with a floor of the same, squared or flatted, covered with rinds, and having a chimney, foundation of stone and upper part clay, dimensions fourteen feet by sixteen, from 7 *l.* 10 *s.* to 10 *l.* according to the size, and convenience of procuring the materials.

The above are answers to queries directed to me by the Honourable the Surveyor General, which I have given with as much correctness as my information enables me to do.

I have considered the subject of the surveys, and have inclosed my proposals to the Surveyor General, with this Report, and also a bill of the expense, all of which I trust will meet your approbation.

I have the honour to be, &c. &c.

(signed) *Wentworth Taylor,*
Deputy Surveyor.

Lieutenant Col. Cockburn,
&c. &c.

NOVA SCOTIA

Appendix (A.
No. 4.

(A.)—No. 4.

EXTRACT from Lieut. Colonel Cockburn's General Remark Book.

Truro, Nova Scotia, 23d May 1827.

Mr. ALEXANDER MILLER, Deputy Surveyor, states, that in this whole district the vacant lands would not exceed 40,000 or 50,000 acres, the which are scattered about. That more than 15,000 or 20,000 could not be found in a block; and that the lands have been so picked, that not above one half of what remains is fit for cultivation.

Mr. Miller has no positive information respecting any other districts. Both Mr. Miller and Blanchard state, that the value of lands back in the Woods, but well situated in this district, and of first-rate quality, will average from 5*l.* to 25*l.* per 100 acres; that even within four or five miles of *this town*, lands can be bought of first-rate quality, and roads running through them in different directions, and immediately communicating with the great Halifax Road, for one dollar per acre. The above gentlemen are of opinion, that, perhaps, from the vacant lands of the Crown still remaining in this district, a very few might be found that would fetch 3*s.* or perhaps 4*s.* per acre, but the average value of the remaining vacant lands would certainly not average more than 1*s.* 3*d.* and would not cover the value of the Grant Fees. Colchester, in which is the township of Truro, is reckoned a favourite district from its situation. Its land would average at rather a high rate. The average wages of first-rate labourers about 22*l.* per year, eight dollars per month, and for a shorter period, from 2*s.* 6*d.* to 3*s.* per day, exclusive of provisions, which latter may be estimated at 1*s.* 6*d.* per day. The supply and demand for labour is at this time about equal.

Price of pork (salt), per pound, 4½*d.*; beef, ditto, 3*d.*; flour, per pound, 2¼*d.* District of Colchester might, perhaps, supply from 100,000 to 120,000 lbs. of pork annually, and about the same quantity of beef; but perhaps these are estimated too high, and it would be nearer correct to say 80,000 lbs. of each annually. The calculation is, however, on supposition, and without good grounds to offer it as sufficiently correct to be relied on.

Poictou, 25th May 1827.

Road from Truro, first twenty miles hilly, and none of it very good. Information at Truro applies in great measure to this place. Harbour at Poictou extensive and excellent. The entrance to it rather narrow in places, particularly near the bar. The town of Poictou compact, and a good deal of business going on, ship-building and lumbering in particular; the latter rather on the decline. For other particulars, see Mr. Crerar's Report.

NEW BRUNSWICK.

(B.)—No. 1.

EXTRACT from a Letter addressed to Lieutenant Colonel Cockburn, by
A. Wedderburn, Esq. Dated Saint John's, New Brunswick, 1st May 1827.
—With Inclosures.

IN compliance with your desire I have forwarded to Halifax, via Windsor, two axes for you. One I have had ground and a handle put to it, that a sample may be given of the axe used here in its finished state; the other is just as it came from the hands of the blacksmith.

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I have also done myself the honour of forwarding the Emigrant Examinations you wished, to which I have added a third, to show the actual produce of the labour of an industrious man upon new lands in the course of five years.

The value of his present stock I have stated at as correct an estimate as my own acquaintance of the country warrants, supported by others well informed on those points; and the supplies he took into the Woods with him are put down at what be absolutely paid for them; and from corroborating circumstances I believe the statement of the quantity of provisions required for his family from crop to crop to be tolerably correct. If then these things are to be relied upon, and I have no hesitation in saying that they are as closely correct as the nature of the subject admits, it appears, Sir, that *Alexander* has been making wages, or *accumulating wealth*, at the rate of 32*l.* 16*s.* per annum, after supporting his family at the expense of 22*l.* a year, giving him in all the very remunerative return for his labour and original capital (17*l.* 6*s.* and a few clothes), the sum of 54*l.* 16*s.* per annum.

With such data before me I formed my opinion of the meditated Emigration, when the Report of the Evidence before the Committee of the House of Commons was handed to me; and so far as it may effect this Province and the individuals sent to it, and upon continued reflection and inquiry, I have found no cause to change my mind; and I heartily wish the system that success which its benevolent object so justly merits.

TESTIMONY of *Thomas Gregory* and *Thomas Duffield*, resident voluntary Emigrants in the Emigrant District, Shepody Road.—8th December 1826.

Thomas Gregory.—1. HOW long have you resided on the Settlement?
Since December 1824.

2. How many acres of land have you improved from a wilderness state during this time?

Six acres upon my own lot, and the same quantity upon Campbell's lot.

3. Who is Mr. Campbell?

A new resident, who has occasionally employed me to work for him.

4. How does he pay you for the work you do?

He allows me all the crop I can raise upon the land I improve for him.

5. Do you find working thus upon another man's land as advantageous to you as applying your labour to your own?

The Campbell Land having been chopped down when I went into the Settlement, I found it convenient for me to use it until I could clear some of my own; but as I am now getting a-head with my own land, I would not continue to work for him.

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6. Had

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6. Had you any money when you went into the Woods?
I had enough to purchase 3*l.* worth of potatoes, 5*s.* worth of seed oats, and half a bushel of buck wheat.
7. Had you any assistance in clearing your land, and putting in your crop?
None, further than receiving four days' work from neighbours, which I repaid by working the like number for them.
8. Are you a single or married man?
I got married last year.
9. Have you been able to support yourself and wife upon your place?
I have. I was enabled to procure a barrel of fish, and a barrel of flour, and a cow, with the money I earned in opening a public road for Government through the Settlement.
10. What stock have you now upon your lot?
Two cows and a pig.
11. Have you any produce to dispose of at market at present?
Yes; one hundred bushels of potatoes, twenty to thirty of oats, and twenty of buck wheat*.
12. Will not your selling so much disable you from planting next spring; by your finding it difficult to get seed should you be short of it?
No; my seed at present is not very good; and I will put myself to some inconvenience to get better.
13. Will the Settlement derive any advantage from the opening of the roads to Martin Head and Sussex Vale?
Yes.
14. State any?
Already we have found the advantage of the Martin Head Road, by bringing salt by it for our provisions, which we are getting able to salt, as well as procuring other supplies through a distance of only eight to fifteen miles land carriage, when before we had to go from forty to forty-five. The middle part of the Settlement will find the road to the Vale very convenient to procure supplies of hay, &c. for their cattle.
15. How do the Settlers in general feel towards Government?
We are all protestants in the lower part of the Settlement; we are very thankful to the Governor for doing so much for us; we are all happy and contented, on good terms with each other, and assist one another as much as possible.
16. Had I or any other person lent you twenty or twenty-five pounds, at the time you first went into the Settlement, and asked you no interest for two or three years, when do you think you could pay me back the whole with interest?
If you would take produce from us, or young cattle at the market price, I think we could return it to you, with the interest, in five years.
17. Do you think you have got on as well without it?
For my own part I would not like to have such a burden upon me. At first starting, a little to buy a cow and some potatoes would be very useful; but I think I am more content without it, for I should always be afraid I could not pay it.
18. Would not that feeling make you work better?
I am afraid it would *cow* me too much.

* Value of these in the Settlement:—

	£.	s.	d.
100 Bushels Potatoes, at 1 <i>s.</i> per bushel	-	-	5 - -
20 to 30 Bushels Oats, say 25, at 3 <i>s.</i> ditto	-	3	15 -
20 Bushels Buck Wheat, at 4 <i>s.</i> ditto	-	4	- -
	£.	12	15 -

19. Then

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19. Then do you mean to say, that poor as you were when you went upon your lands, you would rather go so again than incur the debt and obligation? NEW BRUNSWICK.
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That I would.

20. Do you think any others in the Settlement are of the same opinion?
The minds of people there are so different that I would not like to answer for others.

21. How old are you?
Thirty.

(signed) *Thomas Gregory.*

Thomas Duffield.—Heard the preceding questions and answers, and generally concurs in the latter.

1. HOW long have you resided in the Settlement?
Two years.

2. How much land have you cleared?
Nine acres.

3. Are you single or married?
Married.

4. What family have you?
One child.

5. Had you any money when you went into the Woods?
Five shillings.

6. Any provisions?
A barrel of flour and a barrel of mackarel. I had planted enough of potatoes on my father's place the year before to yield me a hundred bushels. I had also two and a half bushels of buck wheat.

7. What stock have you?
A cow and a steer.

8. How did you pay for them?
The cow I got from the Society, (*i. e.* St. John's Agricultural and Emigration Society,) and the steer I paid for in work.

9. Have you any produce now to sell, without distressing yourself?
Yes; 100 bushels of potatoes and twelve to fifteen bushels of oats.

10. Can you or Gregory tell me, what provisions would be required to subsist a family upon, in tolerable comfort, for the first twelve months upon going into the Wilderness, supposing the family to consist of a man, his wife, and three children from ten to fifteen years of age.

When putting this question, other two Emigrants entered my office, and joined in the following, as the quantity that would be required:—200 bushels potatoes, two barrels flour, two barrels fish, a little tea and molasses, and consider the milk of a cow as a very great benefit and saving.

11. What trade have you?
I am a Shoemaker.

12. Do you get any work in the Settlement?
Very little; I sometimes make for a neighbour, and he pays me by working again for me in some other way.

(signed) *Thomas Duffield.*

THE following Examination is intended to show the improvement made by another Emigrant, who carried a small sum in supplies with him into the Settlement. I have stated the value of these supplies at the price he actually paid
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for them, and also have *inventoried* his present stock and improvements at what is a fair valuation, so as to afford as clear a return as possible of the produce of his capital and labour, during the period of his residence. It must also be observed, that as he is now placed in a degree of *comparative* wealth, his improvements (*by a continuance of his industry*) will advance in a much more rapid ratio than during the first five years of his residence, which will appear by the following Statement.

James Alexander.—1. WHAT Supplies did you take into the Woods with you on first settling, and where did you settle?

In the fall of 1821, I had the following articles; viz.

1 barrel Flour	-	-	-	-	-	£. 1 15	-
1 do. Rye	-	-	-	-	-	1 5	-
1 do. Biscuit	-	-	-	-	-	- 15	-
1 do. Mackarel	-	-	-	-	-	1 4	-
50 to 60 lbs. salt Beef (say)	-	-	-	-	-	1 10	-
5 gallons Molasses	-	-	-	-	-	- 13	9
3 do. Rum	-	-	-	-	-	- 9	9
3 lbs. Tea	-	-	-	-	-	- 15	-
6 lbs. Sugar	-	-	-	-	-	- 5	-
1 Cow	-	-	-	-	-	4	-
1 Sow	-	-	-	-	-	- 16	-
1 Axe, 10s.—1 Hoe, 7s. 6d.	-	-	-	-	-	- 17	6
30 bushels of Potatoes	-	-	-	-	-	3	-
						£. 17 6	-

2. Was this your whole stock, exclusive of your clothing, when you went out?
Yes.
3. What family had you?
My wife and self.
4. At what time of the year did you go to your land?
In the month of November.
5. How long did your provisions last you?
Until the 9th August following, when our new crop began to yield.
6. What crop did you raise the first year?
One hundred and fifty bushels of potatoes, twenty-seven bushels of buck wheat, and four bushels of rye.—Cost from 6s. to 8s.
7. Did you purchase any flour that year?
No; I sold all I could spare off my land to procure other necessities.
8. Did you get in debt?
No!
9. Have you any family now?
Three children.
10. What quantity of land have you now clear, and what stock and improvements have you got?

Twenty acres cleared, at 80s. per acre	-	-	£. 80	-	-
2 Cows	-	-	12	-	-
2 Steers	-	-	7 10	-	-
1 Mare in foal	-	-	20	-	-
5 Sheep	-	-	3 2 6	-	-
2 Hogs	-	-	2	-	-
1 House	-	-	12 10	-	-
1 Barn	-	-	5	-	-
1 Sled	-	-	1 10	-	-
Harness	-	-	3	-	-
Purchased furniture this year to the amount of	-	-	10	-	-
Amount due to me for road work, &c.	-	-	7 10	-	-
			£. 164	2 6	

11. Do

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11. Do you consider the sums here set down as a fair valuation of the property you now possess? NEW BRUNSWICK.
 I do. Appendix (B.)
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12. How much produce have you sold at market after supplying your family and reserving seed?

About 20*l.* worth.

13. Have you any produce on hand still, and for sale?

Yes, about one hundred bushels of potatoes.

14. How long does it employ you to cut down and clear an acre of land for a crop?

Fifteen or sixteen days. (I should say not less than twenty. *A.W.*)

15. How long does it employ you to build such a house as you inhabit?

I made a *frolic* of the people in the Settlement, and got my neighbours to put up the walls in two days. I afterwards finished it. I dug the cellar myself in eight days.

16. How many miles are you from St. John?

Forty miles.

17. How much do you think a family, like yours is at present, would require upon first going into the Woods, in provisions, clothing, blankets, cooking utensils, bedding, axes, &c. &c.?

From 30*l.* to 35*l.*; that would keep them well until they began to raise their own crops, when, if they have good land, they must then manage for themselves.

18. What articles will support *your* family for the same period, independent of clothing, and as you are now placed?

Three barrels of flour (one of wheat and two of rye flour); one barrel of pork; one ditto of fish; six pounds of tea; ten gallons of molasses; one hundred bushels of potatoes: value about 22*l.* currency. Upon these we can live in good working condition, until we get a fresh supply by our own labour.

19. Recollect yourself, and say, if any part of your answers be more or less than a simple statement of facts, as they have occurred to yourself?

I can swear to the best of my recollection that they are so.

(signed) *James Alexander.*

20th April 1827.

I am personally acquainted with the character of the Settlers from whom the foregoing answers were received, as well as their situation and condition in the Settlement, which, with very few exceptions, may be considered a fair sample of the district.

The ratio of labour performed varies materially, according to the *internal* force of a family. In the space of a few miles, I noted the labour in twenty-seven cases, and found it as follows: During a residence of five years,

13	Families had cleared from 10 down to 2 acres.
11	- - ditto - - 20 - 10 ditto.
3	- - ditto - - 45 - 20 ditto.

A most prejudicial propensity attaches itself to many of the voluntary Emigrants, viz. great unsteadiness; and I must add, that of clinging to towns for labour, "*to make something*," as they say, "*to enable them to go upon their lands.*"

I have almost invariably found such people worse off at the expiration of several years, than at the moment they landed in the country; if they receive high wages for their labour, they are most improvident in their habits, and seldom lay by any thing for the alleged purpose of settling. It is then that during seasons of relaxed demand for labour, those people become burdensome to the Province; but I am not acquainted with a single case where an industrious man has gone directly upon land, that land being of a good quality, without rendering himself and family tolerably comfortable, and amply supported in the course of a few years. I look upon

NEW BRUNSWICK.

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Duffield (see Examination) as poor a man as could have braved the difficulties of first settling, but his industry has given his family a livelihood, and something still to sell.

As the Examinations were taken without any other motive than to acquire an accurate knowledge of a district with which I have a good deal to do, I must request your indulgence to their want of an official form; I can, however, vouch for their accuracy. My last visit to the Settlement was in October, but Settlers are with me almost every day.

(signed) *A. Wedderburn,*
Major County Militia, and Secretary to
the A. and E. Society.

St John, New Brunswick,
1st May 1827.

(B.)—No. 2.

EXTRACT from a Letter addressed to Lieutenant Colonel Cockburn, by
Judge Botsford. Dated Sackville, 7th June 1827.

Appendix (B.)
No. 2.

BY the return of Mr. Smith, I had the pleasure of hearing of your safe arrival at Truro, and was glad to learn that before you left it you had an opportunity of receiving his Report, and also that of Mr. M'Lauchlin. The very favourable accounts those gentlemen give of the parts of the country which they explored, must have afforded you much satisfaction, as they tend to prove that there are large tracts of ungranted lands well adapted, from the nature of the soil, and from their local situation, for the settlement and accommodation of thousands of Emigrants. I have here to observe, that in a new country where the tracts of wilderness are immense, and the range of choice so wide, the very best lands only are selected and pronounced to be good, while other tracts upon which there are not such strong indications of fertility are overlooked or condemned as sterile and unfit for cultivation. In many places lands that were at first rejected, have been since located, and have been found, on cultivation, to be equally as productive as those that were thought of a much richer quality. It has come within my own knowledge, that lands which twenty years ago would not have been received as a gift, are now in demand, and contain a soil highly productive. When lands, therefore, are pronounced to be good by persons who have explored them, and who have no interested motives to make false representations, it may fairly be inferred that they are so. I was much gratified at hearing so good report made of the tract of land lying between Miramichi and the Bend of the Petecoudiac River. The distance is about seventy-six miles, and the soil well calculated for the settlement of Emigrants. On looking at the Map of the Province you will observe that this route will cross the Shediack, Cocagne, Chebuctouch, and Richibucto Rivers, from which abundant supplies of fish can be obtained; and the harbours at the entrance of several of them will afford convenient places for the disembarkation of Emigrants. There is another very important object, which the settlement of this tract of country would promote, and which might be connected with the proposed scheme of Emigration. I allude to the making it a direct road from the Bend of the Petecoudiac to Newcastle, and which would form a very considerable section of the contemplated communication between Halifax and Quebec, by the way of the Ristigouch. It has always appeared to me of the utmost statistical importance to the British North American Colonies, and in case of a war with the United States, highly necessary to their joint defence, that their otherwise isolated and distant territories should be connected by a good road of communication. To you, Sir, whose knowledge of this country is so accurate and extensive, I need not to observe, that the route from Halifax to Quebec, by the Ristigouche, would on many accounts be preferable to the one now used by the way of the river St. John. One decided advantage it would have, that of being one hundred miles shorter. The Road from Halifax to the Bend of the Petecoudiac, a distance of one hundred and eighty miles,

miles, is already a good one for carriages. The average expense of making a road through the Wilderness is generally estimated at 100*l.* currency per mile. I think that it would cost more to make it passable for carriages. The sum of 10,000*l.* in my opinion would make the projected route from the Bend to Newcastle a good road; and it certainly would facilitate the settlement of many families of Emigrants. I confess I am struck with the importance of this project, upon which we had some conversation when I had the pleasure of seeing you; and the more I reflect upon it, the more am I struck with the bearing it will have upon the settlement of the Emigrants, and upon the line of communication with Quebec. The route lately explored between Newcastle and St. Peter's, a distance of fifty miles, is as I have been informed, well adapted for the accommodation of Settlers. From St. Peter's by the Ristigouche, the Matapediac River and Lake, to Mitis, is a distance of about one hundred and fifty miles. With respect to the means of making this communication, I know not from whence they are to be derived.

NEW BRUNSWICK.

Appendix (B.)
No. 2.

(B.)—No. 3.

EXTRACT from Colonel Cockburn's Journal of 20th May 1827.

AT 3 P. M. I set out from Bay Verte, a distance from Westcock of about twenty-two miles. The country, farms, roads and general appearance are first-rate; indeed the parishes of Dorchester and Sackville may be so described generally. The latter part of the road to Bay Verte not quite so good, and the country less thickly inhabited. At seven, reached the house of Mr. Chappell, a very old, intelligent and prosperous Settler. Mr. Botsford was anxious I should see and converse with him, and the rest of the evening was dedicated as usual to the various points connected with Emigration. Without communicating our opinions, we put various questions to Mr. Chappell. The old gentleman took a certain time before he would return his answers. The result was truly gratifying, and confirmed as nearly as possible my previous calculation. Mr. Chappell agrees with Mr. Botsford in thinking that our supply of implements is too liberal. If fish is given, he particularly recommends the fat mackarel and the sea shad, both of which were cheap, nourishing, and mix up particularly well with potatoes. Mr. Chappell paid nine dollars an acre for clearing and burning some land last year; that is having it prepared for crops, but *without fencing*; the *doing which* in the case of the Emigrants lots would be useless. There is a tract of about 1,000 acres of heavy-timbered hard wood land close to him, the which he has no doubt might be prepared in like manner for putting in the crop, for ten dollars per acre. Mr. Chappell thinks the axes should not exceed five pounds in weight. His son, a fine young man and very strong, and *particularly accomplished* as a chopper (no mean qualification in this country) uses an axe of only four pounds and a half weight. This person (the son) says, that two good woodsmen should clear, without fencing, at the rate of an acre in every seven days. Wages per month about Bay Verte for good labourers, ten dollars per month; expense of provisions about 1*s.* 6*d.* per day. The Settlement at Bay Verte consists of a very few houses; and nothing larger than schooners, when loaded, can come within two or three miles of shore, the whole bay being very shallow. As a harbour for ships, therefore, it is useless. Vessels of 200 tons and upwards are sometimes built here. The harbours of Pugwash and Ramshag, about fifteen and thirty miles to eastward, are good, particularly the latter.

Appendix (B.)
No. 3.

(B).—No. 4.

REPORT of George N. Smith, Surveyor of the Province of New Brunswick, on an Exploration in the Parishes of Hillsboro', Hopewell, and part of Salisbury, in the County of Westmoreland, in obedience to Instructions received from Colonel Cockburn. Bend of Petecoudiac, 17th May 1827.

NEW BRUNSWICK.

Appendix (B.)
No. 4.

1827, May 28th.—Left the Bend in a boat at seven o'clock this morning, and arrived at Weldon Creek, a distance of twelve miles, in an hour and a half. Proceeded up this Creek until we got to the rear lines of the granted lands. These front lands are pretty well settled, and are chiefly valuable for the meadow lands, and their proximity to the Petecoudiac River. A young man, called Steeves, has removed back on account of the superiority of the soil, although his family possess much land nearer the river, where he could have made his choice. Onward from the granted lands, the woods indicate good tracts, being chiefly the larger hard woods, with occasional mixtures of ash, hornbeam and alders. Continued west-south-west, the growth rather improving. Ascended farther to the west, and on the upper part of the hill got an extensive view of continuous tracts of hard wood, mixed with spruce and hemlock. Descended in a winding direction, and suddenly got a view of the intervalles on Turtle Creek. The French, who originally occupied this place, call it "Forche à Crapaud." Entered an improvement, by one Milton, who has left this beautiful vale, and gone to sea; the family appear very indigent; one of his sons was going out to the mill (about four miles off) with a peck of corn to have it ground. This recluse spot, surrounded by prolific and romantic mountains, showed, by its beautiful patches of greensward, that it requires only the hand of industry to render it an enviable retreat. Pushed on to the foot of the western hill, and skirted its base to another farm, which is occupied by Sam Steeves; has a wife and nine children; had sowed three bushels of wheat, and was harrowing with a crutched harrow, the crutch too long and narrow; better have a short wide one, for stumps, with five or seven teeth. Ascended the vale through land that cannot be exceeded; immense elms, ash, rock maple, birch and hornbeam; the swales a rich black alluvion. The same fine growth continues up the mountain; here, in a maple grove, Steeves and his son made nine hundred weight of sugar last year; he had 1,200 cassoos (vessels for receiving the sap) set, and yet had not tapped one half of the trees. When a person occupies a "Sugarie," (in all cases ungranted), makes "troughs and barks," builds his camp and brings his boilers there, he is considered in possession of the place, and calls it his "Privilege." Under such a right, Steeves has farmed out this grove during the last spring, and gets a certain proportion of the sugar made. Having gained the summit of the mountain, found it formed a most extended table land; examined it, and found the good land still continue. From the northern brow, the wide growth, yet scarcely budded, afforded an opportunity of viewing an immense body of fine land every where around, the Blue Hills withdrawn behind the Bend, and the smoke of clearing fires which appear to arise from the Roxborough Settlement; after descending a little to the west, discovered a fine spring; and as the night was closing in, we halted and encamped.

May 10th.—Up in time to see the rising sun gilding the tops of the distant forest. Started; edged down the hill to the west, same growth; discovered a seam of coal in a ridge down the mountain; burned some of the surface splinters, and found them consume very well, considering their inferiority from lying on the top; crossed a great number of streams falling into Turtle Creek, and at length the main branch. These streams divide large ridges, the general character of which is fine hard wood on the heights, with such growths in the flats as indicate good meadow land. Met an old blaze on a beech, which Doiron recognized as having been made by him twenty-five years ago; cut into it, and counted the growth of the tree since it was made, which exactly agreed with his assertion. He

says

says he is perfectly acquainted with this district, and that the good land extends four or five miles to the northward, and all the way to Shepody in a contrary direction. Onward, crossed one of those very steep ravines or abrupt glens, between the mountains, which are here called "Vaults." The banks on each side are nearly perpendicular, being about 200 feet high, and certainly not more than 350 feet asunder at the top. Having crossed the table land beyond this, met the first rill falling into Coverdale River. After having met several streams, and a very small space of inferior land, ascended the highest mountain which as yet lay in the route. Soft woods from the base to within half a mile of the top, when a beech grove begins and the rocks appear; further up, a fine grove of maple, tall and wide, allowed of a most interesting view of the wooded hills, table lands and valleys meeting the eye in every direction, all covered with hard wood, interspersed with evergreens, stretching into the deciduous tracts like promontories and bays. Beyond the brow and inward on the plateau, met a beech ridge, solely beech, for a quarter of a mile, and then an instant transition to rock maple, with the largest firs I have ever seen, and which indicates the first quality of land. Proceeded onward about two miles through this growth, and descended gently through admirable land; partly down the mountain discovered a blue haze, which led me to conclude we were near Coverdale River; still descended, and when down, got into an intervale. Having been almost cloyed these two days with repetitions of the most desirable tracts for settlement and delightful travelling, nature seemed here determined to furnish us with a rich treat. The growth is of the most luxuriant and picturesque description; the soil is the finest alluvial deep dark mould; and the under brush presents a great variety of flowering shrubs, amongst which the "bush cranberry" (tamarind) was everywhere hung with clusters of its ripened fruit, which were very refreshing after the toils of the day. Through this intervale runs Coverdale River, on the banks of which we pitched our woodland camp. After refreshment, I left the Frenchmen in the camp, and went down the river to find some settlement, in order to discover where our route crossed the stream. At about three and a half miles reached the clearing of William Perkins. He seems to have chosen this place from ten or twelve acres of intervale lying there; the intervale is only middling, and the surrounding lands not worth clearing, being an exception to all I have yet seen in this district; says, he knew nothing of land when he settled there; sows five pecks wheat per acre, and has about twelve to one produce; sells at 7s. 6d. a bushel. Oats cost 2s. per bushel; buck wheat sells for 5s. per bushel; he sows three pecks per acre, and has thirty to one produce; he pays 22s. 6d. an acre and board to a man for felling, junking into ten feet lengths, and trimming off the branches; thinks it costs him 22s. 6d. more to burn and make fit for harrowing.

He says, the land on the road from his farm to the mill on Paulet River is poor next the streams, and hard wood between; all up between Paulet River and Coverdale River, and on towards Shepody, "is as good land for settlement as lies out of doors;" would have gone further up, but spent his means in building and clearing where he is.

May 20th.—The consequence of not having the lands open and cleared away round low flat grounds was very striking here this morning, as the intervale was covered with hoar frost, and the ground considerably frozen. Returning very early to the camp, found the high lands untouched with the cold, but, on descending to the camp, felt the frost again. Refreshed, and started to explore to Paulet River. On leaving Coverdale a small swamp occurs, which entirely disappears on ascending the heights. Onward, nearly south-west, crossed many streams and rising grounds and valleys, but not any so high or so deep as between Turtle Creek and Coverdale River. It may be noted, that without exception every valley is wooded with deciduous trees on the western bank, and with hemlock, spruce and firs, mixed with hardwood, on the eastern banks. Arrived at a branch of Paulet River, and found some improvement by persons who have occupied the grounds on their own authority; struck the main branch, and refreshed; crossed the river by fording, and continued the route westerly; from a height got a view of the lands towards Kennebecassis, and am convinced the same fine tract continues to Trout River and Martin's Head on the Bay of Fundy.

My instructions requiring that I should reach Shepody to-morrow night, and proceed to report to Colonel Cockburn at Sackville or Truro, I now altered my

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course to south-east, and continued so to steer through similar fine tracts as hitherto. Recrossed the Paulet River at the Falls, to which I had been attracted by the noise of the cascade. It is one of the most pleasingly picturesque I ever saw, and has an air of peculiar elegance; its height is about thirty feet; the rocks are amazingly grand; and the character of the banks above the fall, and fine bit of distance, form a very perfect picture. I remained long enough to take a sketch. There are many lesser falls. Ascended the river about a mile, and had to ford across, being too wide to fell a tree; and the growth on its banks, the shrubby kind. Went on in the south-easterly course, through as fine land as ever, but in places rather rocky. Reached the head of the south-west branch of Coverdale River, and descended into the valley or intervalle; fine soil. Proceeded about two miles up, to a very large meadow, where the stream forms a clear rapid stretch, wide enough to be called a lake; the grass already abundant. Went up, although out of the course of the route, in order to get a place to cross. Forded opposite to a beaver dam; numbers of leeches in the lake; wild duck breeding; a porcupine feeding on the top of a poplar; could hardly restrain Jean Doiron's son from killing it. Climbed up a steep ascent of a few yards, and got on the side of an uncommonly finely-wooded hill; every furlong we met a swale, moist and green; could have walked for miles over such encouraging ground, but the sun was nearly set, and we had a camp to make, to light a fire, and cook our supper. Halted for the young Frenchman, who had lost us by his skulking behind to go and attack the porcupine; his father was very uneasy, and after whooping and hallooing, the report of his gun told us he was near. When he came up we proceeded in quest of water, and reaching a mountain spring which trickled away into a little rill, we formed our camp and refreshed, and went to rest.

May 21st.—Having encamped on the eastern ascent of a considerably high hill, openly clothed with hard wood, the beams of the morning sun had unsealed our slumbers by a quarter before five o'clock; refreshed, and started immediately.

After getting over this mountain, crossed several streams, and got into a district of low level land; the growth such as indicates good grazing lands, when cultivated. The day being warm, this moist land was refreshing and agreeable; met a roughly blazed line; pursued it for about a mile; and by the mark XIII. ascertained it to be a line laid out by Mr. Palmer, through lands thought very eligible for settlement, but the House of Assembly did not think fit to remunerate him for *what* he had done, and the thing lies over; it is a recent project. Hence went due south, through an extent of flowing green wood land, finely watered. Crossed a number of streams flowing towards Cape Enragé on the Bay of Fundy. The land, although evidently declining towards the sea, rises from the lower moist lands that I had just passed; and that description of wood which I met in the former day's journey re-appeared. Ascended gently to an amazingly fine table land of hard wood; continued along this beautiful ridge, and from the highest point could see no bounds to the same kind of land. My guide and attendants agreed that it extends nearly to St. Martin's Head on the south-west; for many miles to the north-east; and nearly to the shore on the south; with desirable mixtures of soft wood. Measured a black birch, which at four and a half feet from the ground (where the trunk was nearly as thick as it was for several feet higher), and found it fourteen feet and a little more in circumference. The mountain ash, which Sir Walter Scott calls the rowan tree, grows here to six and eight inches diameter, and in this hard wood upland firs measure from fifteen to twenty inches diameter; no stone, excepting such as may be on the sloping brows of the hills; and it may be inferred, as it is true, that there is very little beech in this admirable tract. Descended, and struck the main branch of Upper Salmon River; the heat of the day made the shade of the green woods exceedingly pleasant. There is a great variety of plants here; the gentian, small white antirrhinum, langue de bœuf, adders tongue, and a yellow-flowered fratillary, are in full blow. From hence gradually descended to Shepody.

As a summary of the whole, I may say, that the whole tract is a continuity of superior land for settlement, and that I do not think more than two and a half per cent can be deducted for stony land, steep banks, and the place occupied by rivers. *There is no barren whatever*; no swamps but such as are highly desirable; and on almost every stream can be found a mill site. The highlands are early, not subject to blight and early frost; and the difficulty of access is obviated by the table lands,
upon

upon which a road can be brought from Shepody to Coverdale River, and from thence to Paulet River, without any draught that is not perfectly easy. NEW BRUNSWICK.

The writer begs Colonel Cockburn's indulgence on the score of perspicuity, not having time to send a map of the route; but will mark the places on that which will be furnished to Colonel Cockburn, in such a manner as will render this account more clear.

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(signed) *George N. Smith.*

(B.) No. 5.

COPY of a Letter from J. A. Maclauchlan, Esq. to Lieutenant-Colonel Cockburn,
Commissioner, &c.

Sir,

Fredericton, 30th June 1827.

HAVING received your instructions at Miramichi, to explore and ascertain the growth of timber, and the quality of the land lying between the upper Settlers on the Richibucto River and the Butternut Ridge; also from that in rear of the granted lands to the Bend of the Petecoudiac River; I have now the honour to report my having attended to this duty, and beg leave to state the following for your information, which is accompanied by a plan showing my route, and which I hope may be satisfactory.

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The upper Settlers on the Richibucto River are about twenty-two miles from its mouth, and three from the head of the tide. Their farms are composed of good tillage land, and timbered with an equal proportion of rock maple, birch, beech, hemlock and spruce. They informed me the increase of their soil was from fifteen to eighteen bushels of wheat from one; other grain in proportion. Potatoes twenty bushels, and hay from one and a half to two and a half tons to the acre.

From these Settlers I took my departure, with a south-west course, rather to the southward, and should imagine, from time, to have travelled five miles. From the first mile I found the same description of land as on the bank of the Richibucto, but the remaining four very indifferent soil, timbered with the inferior woods of white birch, spruce, prince's pine, poplar and fir. From several observations taken in this course of high spruce trees, the land to the westward appeared of the same description as I passed through; but to the eastward and south-east, that is, on or near Trout Brook, and Coal or Mile Branch, appeared to be timbered with good hard wood. My course was then directed south for ten miles; and almost in the whole of this distance, excepting, as I have said before, on the Trout and Coal Branches (both of which I crossed), passed through soft wood timber of a similar growth and description as the four miles first spoken of. I made frequent observations, and found the land to the westward low and very indifferent; but to the east and south-east, good land.

Again I took nearly a south-east course for five miles, and passed through the quality of soft wood timber, as before described, which brought me into a very extensive barren, or what is termed in this country a Caraboo Plain. From this I have reason to believe the Buctouche, Mile or Coal Branch, Salmon River, and the new Canaan Rivers, take their source. From the Barren I went south, and came to a stream about a mile, that I was afraid (from the sketch of the country furnished me,) was the head of Salmon River, which discharges into the Grand Lake. However, I changed my course for one I thought would bring me to Butternut Ridge; when I crossed the same stream several times, and at length came to a Settler on its banks, of the name of Rider, who informed me it was the new Canaan River, that empties into the Washademoak Lake. Frequent observations were taken between the Barren and the Settler, which I should suppose a distance of eight or nine miles; and the land for several miles on Canaan River was found very low, and timbered with a very inferior quality of soft wood.

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At Rider's House I discovered the ridge, which bore south twenty degrees east, six miles distant; the land between me and it, low and timbered as just before described.

The Clearing I discovered on the ridge belonged to Charles Alwood, who is in the possession of a very good farm, and also many others adjoining him. The growth of timber here is rock maple, birch, beech, butternut and hemlock. I was told, the annual increase was generally, of wheat, from fifteen to twenty bushels from one; Indian corn, eighty bushels; potatoes, twenty; but the soil too dry for grass. Saw several apple orchards, which bore, in five years, from the seed. There is also in this Settlement a *great quantity* of most excellent limestone.

I took my departure from this ridge for the Bend at the upper Settler, Charles Alwood's; and from his improvements through; the land, generally speaking, is excellent for agricultural purposes, *particularly so* for within eight miles of the Bend. The timber on this tract is composed of rock maple, birch, beech, ash, elm, oak, hemlock and spruce.

In making a computation of the quantity of land that I should consider fit for cultivation in my route, I am of opinion from 80,000 to 90,000 acres may be found, and probably more, when an accurate survey is made.

I have, &c.

(signed) J. A. Maclauchlan.

REPORT of George Smith, Esq. Assistant Surveyor General of New Brunswick,
on his Route from St. Nicholas River to the Bend of Petecoudiac River.

THE growth from Richibucto to the West Branch of St. Nicholas River, is hard wood on the sides of the streams, with a mixture of hemlock and spruce in the middle grounds; on the West Branch there is a considerable extent of intervale. The south bank of the West Branch is steep in some parts, and covered with rather a poor growth of wood, which, however, extends only a few chains, when an uncommonly fine tract commences, and which extends several miles up stream; birches (of five cord), elm, ash and maple of immense size. Onward to the south the land declines, and a small dry barren runs east and west. Beyond it the hard wood reappears, and skirts both sides of Buctouch Mill-branch. A few stripes of wet barren, partly spruce, swamp, and wet mixed land, lie on the way to the Buctouch, but upwards the land is excellent. At Miller's Cove, on the north side of the Buctouch, the land appears but of a middling quality, yet wherever any hay or clover seed falls, the evidence of a luxuriant vegetation is very striking.

The land on both sides of the Buctouch, all up both sides of both branches, is of a most inviting quality. At a considerable distance up, between the two main branches, there is a pretty large barren stretching westerly, in a direction similar to the general course of the river. Nearly on the head of a stream, which evidently empties into the Mahalawodiac, is a very good meadow, part of which has been improved. Beyond it, to the south, the land sustains a tall growth of spruce, sometimes mixed with hemlock and white birch, but never an absolute barren. Onward to the south, the north-west branch of the Cocagne runs a long way through the same kind of land. About half way between the north branch and the main Cocagne, a most excellent tract of land occurs, wooded with oak, elm, ash, hornbeam, beech, birch and maple. A beautiful small stream flows in all directions through this fine tract. Farther south, the growth is large hard wood and hemlock, which ridge is stated (by one of my attendants, who knows this country well) to extend to the shore on the east, and to the top of the stream on the west. Towards the Cocagne the land descends more than in any part of the tract as yet described. The Banks immediately on the river descend for a considerable distance, and large stones protrude from the surface; towards the water edge, the stones disappear. The stream is rapid, and clear of obstructions; the south bank is more rapid in ascent, but less stony, and may be called, as well as the north side, good land; the timber is large hard wood mixed with hemlock and spruce; the same kind of land continues until
it

it falls into what is called the Roxborough Settlement, where it greatly improves; the Roxborough land is very good, and is covered with oak, ash and other hard wood; towards the Bend, the quality changes into the low marshy description.

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The foregoing details are from my own immediate observation; but among a number of reports the following may be noted. When up the Richibucto, I met a Mr. Barnes, a man thoroughly experienced in the Woods, who had just descended the Mill or Coal Branch; he had been seventeen miles up the same, found it perfectly unobstructed, and pursued a land route, nearly south from the place where he left his canoe; he proceeded for ten or twelve miles and ascended a pretty high hill, from which he could plainly perceive, at a few miles distance, the course of the Washdemoak; and intervening, a lake, or rather what he took to be a meadow. In the whole extent of this route he found a very fine body of land, with a few limited exceptions. He passed one or two plains of small extent, and upon the whole, thinks the tract of good land stretches as far and wide as any other that he has heard of. Barnes' Tract is marked on my return with dotted lines.

An Indian (whom I met in the Woods) says, it may be observed, that either on the sides of the large rivers, or at a small distance from them, good tracts of land stretch in the direction of those rivers, but that when they are widely separate, tracts of barren or poor and swampy land lie between them. His name is L. Richards, and was accompanied by his daughter, and a young girl, daughter of Noel John. They had gone up to hunt musquash with their dogs, but were forced back by bad weather.

In estimating the quantities of the various qualities of land exemplified in the return, I have been careful to underrate the good and excellent, and rather exceed the quantity of bad. The whole extent is finely watered, and springs are everywhere met with.

Several admirable sites for mills are to be found; and indeed there is hardly a stream which does not present facilities for such useful erections.

It is to be remarked, that spruce and fir land, so much decried in almost every other part of the Province, is greatly esteemed in this, not without reason, for I saw fields under cultivation at Mr. Turner's, which would do credit to old settled hard wood lands, that were covered with spruce, a little hemlock and much fir. The soil is strong, loamy and free from stone.

The Roxborough Settlers employ themselves very profitably in winter by getting oak and ash staves off their lands; also in making shingles, for which they get ready sale or barter.

COPY of a Letter from W. J. Layton, Esq. to Lieut. Colonel Cockburn.

Sir,

Richibucto, 16th May 1827.

I HAVE the honour to report to you, that, agreeably to your directions, I proceeded on Friday the 11th May to examine the real quality of the land situate between the Richibucto River and the North Line of the county of Kent; which service was completed on the Wednesday following.

I first of all ascended Molus River on the right-hand side, and in order to ascertain the length of a spruce swamp, I proceeded through the middle of it, and found it to be about three miles in length, and never more than one mile and a quarter wide; in the rear of which the land appeared to be of good quality. This swamp on the accompanying Sketch, is denominated as No. 5. At the further end of the swamp I crossed the river, and ascended the left bank, in order to determine the extent of a swamp there, being a growth of spruce, poplar and white birch, which is about two miles long, and not half a mile wide. This is also designated No. 5. There is excellent land on this side above and below this swamp, and a considerable quantity of intervale. The good land extends along the banks, and a spruce swamp, about half a mile deep, in rear of it for a considerable distance, where the river begins to be very small. Diverging downwards, I passed through a very fine tract on my way to Kouchibouguacsis, consisting of hard wood, with a small mixture

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ture of evergreens. A swamp of poor land then extends for half a mile or more in some places to the river. Crossing the Kouchibouguacsis, I ascended it on the right bank, through an immense tract of excellent upland and intervalles. At the turn of the river to the northward I crossed the barren, and found it quite inconsiderable, and a very tolerable growth in rear of it. I recrossed the barren farther up, and descended a short distance. I then crossed the river, and ascended it to Mooney's Camp, and found very good land and many fine wild meadows. Descending again and crossing, I struck across the barren in another place, and found it not more than half a mile wide, and entered a cedar swamp; crossed several small ridges and some alder swamps, and then came to a ridge of very good land, which extends to the Kouchibouguacsis River. Between this part of the latter river to Barnaby's River is all very good land, with a slight exception, described on the sketch. Within the forks of the upper south branch is also excellent land, and below it is equally as good. Recrossing to the Kouchibouguacsis we found no barren at all, but all very good land. Descending at a distance from both rivers the land alternates from ridges of dry good land to cedar and alder swamp. Recrossed the Kouchibouguacsis, I ascended it on the left bank through tolerable land, and struck across the tail of the swamp to Molus River; descended the latter, where I had not seen it before, and crossed over to Bass River through almost all exceedingly fertile land, watered by a beautiful little brook. Descended Bass River about two miles, and re-crossed to Molus River, through all very poor land, marked on the sketch. Descended Molus River to M'Eachern's, and returned.

All the rivers have small pieces of intervalle on their banks, but the Kouchibouguacsis has most.

On the whole, according to my judgment, if the whole tract were divided into seven parts, the hard wood would be two; mixed growth, two and a half; tillageable swamp, one and a quarter; and barren, one and a quarter.

On the north side of Kouchibouguacsis River, the land to my certain knowledge is all perfectly good, or at least much more so generally than on the south side; I therefore did not conceive it to be at all necessary to devote any time in passing over land which was well known to me, but to devote more labour on that which was of a doubtful character.

Considering the prejudices entertained by new comers, I should beg leave to recommend that they might have a choice out of double the quantity of lots, which ought certainly to insure their being satisfied.

I have, &c.

(signed) *Wm. Jno. Layton, D. S. L.*

Lieutenant Colonel Cockburn,
&c. &c. &c.

COPY of a Letter from B. R. Jouett, Esq. to Lieut. Colonel Cockburn.

Sir,

North-west Miramichi, 14th May 1827.

I HAVE the honour to report for your information the quality of the land lying between the Richibucto River and the River Miramichi, taking the Woods at Kellock's twenty-two miles up the Richibucto River, and proceeding from that direct for the village of Chatham, through the Wilderness, with some little divergences from a straight line.

The land in general on Richibucto River is of a good quality, timbered with hemlock, black birch, maple, beech, spruce, and some scattering pines; the land where I took my departure from Richibucto River, back for a distance of five miles, is of an ordinary quality, interspersed with small swamps, then commences barren; this continues half a mile; then comes flat land, rather swampy, and not so good in quality as that discovered the five preceding miles; the timber, hemlock and spruce, with a small proportion of hard wood; this continues to Bass River, or about four miles. On the north side of this river, a mile and a half below our line, there is a small ridge of good land, timbered principally with hard wood, running in a northeasterly direction. The land westerly appears of a tolerable good quality, mixture

of

of timber, some scattering pines. From Bass River, onward, for the first two miles, the land is very good generally; timber, large hemlock, black birch, &c.; the land very level and free from stone; then comes rather inferior land for a mile and a half; then comes large lake. There is a fine ridge of land lying south-westerly and west of our line, and rather extensive, (this information I obtained from the man, who climbs every few miles, or wherever we meet the smallest height,) also one of the same description north-easterly. The land from the lake before mentioned to Kouchibouguacsis, a distance of three miles, is generally low and swampy, with some barrens interspersed; but one mile above this, on the north side of Kouchibouguacsis, commences an excellent tract of land, and extends up parallel with the river for four or five miles; also a little below our line, on the south side of the river there is a fine ridge of good land running parallel with the river, and continuing for three or four miles; mixture of timber, birch, maple, hemlock and spruce. From Kouchibouguacsis, on our line, the land continues low and swampy for one mile and three quarters; timber, small spruce, hemlock, fir, &c.; then comes small ridge of hard wood; the land good; this continues three quarters of a mile on our line, running westerly three or four miles, and easterly two or three miles; timber, principally hard wood, with a mixture of hemlock and spruce of a large size; then comes barren, covered with scrubby spruce; this continues for half a mile; then comes tolerably good land, rather low, but well timbered with birch, maple, and large hemlock; this continues to the Kouchibouguacsis River, interspersed with swamps; the land on this river, skirting the banks up and down as far as the climber can see, appears to be very good, well timbered, principally hard wood. The land from Kouchibouguacsis onward continues good for half a mile, well timbered; then comes low swamp land interspersed with a little hard wood here and there; this continues near two miles; then comes hard wood ridge, very fine land, but only continues a quarter of a mile; then comes barren, and continues half a mile; then comes level swamp, rather dry, large timber; then comes barren, partly open; this continues about half a mile; then comes flat land, tolerably good, timbered with hemlock, birch and spruce; then comes a low cedar swamp, very thickly timbered. From this to Bai-des-Vents (a distance of near three miles) the land is generally very good; timber, birch, maple, hemlock and spruce, some cedar and spruce swamps. The land skirting the banks of the Bai-des-Vents River is of a very good quality as far up and down as the climbers can see, well timbered, principally hard wood, very large. From Bai-des-Vents River, onward for half a mile, very good land, well timbered; then comes spruce and cedar swamps; those continue a mile and a half; then comes rather better land; but low, interspersed with cedar swamp; this continues two miles; then comes hard wood ridge; this continues half a mile on our line, and extends easterly two miles, and westerly two miles; timber, birch, beech, maple, hemlock and spruce; then comes cedar and spruce swamps; this continues for a half a mile; then comes barren, three quarters of a mile, covered with scrubby spruce; then comes cedar and spruce swamp; this continues one quarter of a mile; then comes higher land and of a better quality; timber, maple, white birch, spruce and fir, with some pines; this continues one quarter of a mile; then comes a small ridge of good land; timber, maple, birch and large hemlock; this continues one quarter of a mile; then comes barren; this continues one quarter of a mile. From this to Black River, a distance of one mile and a half, the land is generally low and swampy, with some small barrens. From Black River to Chatham, the land is low and swampy, poor growth of timber, very little hard wood; the distance from Black River to Chatham is about nine miles. This country is in general very level and free from stone. The weather, as you doubtless will have observed, proved most unfavourable for our work.

The most compact and extensive body of good land I have discovered, commences near the forks of Bai-des-Vents River, and between the same, and extends up towards the head of Barnaby River; this may contain 20,000 acres. There is another body of good land near the head of Mac Ginnises and Troudys Brook; this is not very extensive, but very good. The ridges of good land in general are of an oblong figure, rather narrow, and running parallel with the rivers.

The general quality of the soil is, first, a covering of decayed vegetable matter, varying in depth from one to three inches; then a yellow or light gray clay, intermixed with more or less white sand in the best land, but with not a great deal of the latter.

NEW BRUNSWICK.

Appendix (B.)
No. 5.

Being detained in the Woods much longer than I expected, (from the severity of the weather,) I fear I shall be too late for this post; however, I shall make every exertion to dispatch my Report this time. I reside some distance from Newcastle, which renders my communications by post difficult and uncertain.

I regret to say, that this Report is not as explicit or as much to my mind as I could wish; but I assure you, Sir, that the unparalleled badness of the weather rendered it almost impossible to do any thing in the Woods. Not one day from the time I left Richibucto River, until I reached Chatham, but I experienced more or less rain or snow.

I herewith forward a statement of my account; a draft for the amount on Joseph Cunard & Co. if convenient to you, will answer every purpose.

I have, &c.
(signed) *B. R. Jouett.*

Lieut. Col. Cockburn,
&c. &c. &c.

P. S. My general course from the River Richibucto to Chatham was from five to ten degrees to the westward of north.

EXTRACT from Colonel Cockburn's General Remark Book.

MR. POWELL, resident of Richibucto, says, that between Richibucto and the Bend, land from about two miles and a half of the sea shore is good for a great way; and at the head of Bass River, the land for six miles square is excellent; the north side Molus River, and all the south side Bass River. From Bass towards Grand Lake, burnt land, swamp, cedar, spruce and alder.

Mr. Goodfellow, of Newcastle, Miramichi, would prefer settling about the River Bartibog, in preference to any part of the two Provinces, for good land.

Mr. Harris, of Moorfields, Miramichi, states the land between Newcastle at Miramichi and Nipisiguit, Bay of Chaleur, on the eastern side of the old road, towards the shore, to be very capital. The new road is laid out nearer the shore, or to the eastward of the old one, and runs through a long tract of good land.

The land on the Ristigouche is generally good. He considers the climate quite as good as any in the two Provinces, and that farming can be as advantageously carried on there as in any part of the Province; and that he would as soon live on the Ristigouche as on the Gulf. Ristigouche navigable for ships for twenty miles above the bay, or mouth of the river.

PRINCE EDWARD'S ISLAND.

(C.)—No. 1.

REPORT of PRINCE EDWARD'S ISLAND, as directed by the Right Honourable
the Principal Secretary of State.

PRINCE COUNTY.—467,000 acres, divided into 23 townships; quit rent 2 s. per 100 acres per annum. Township No. 15 revested in the Crown in the year 1818. Terms prescribed by His Majesty's Royal instructions, in the proportion of one settler to every 200 acres. The county in general containing an equal proportion of good and indifferent land.

PRINCE
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Appendix (C.)
No. 1.

KING'S COUNTY.—412,000 acres, divided into 21 townships; quit rent 2 s. per 100 acres per annum. Township No. 55 revested in the Crown in the year ; on which the quit rent is 6 s. per 100 acres.

QUEEN'S COUNTY.—486,400 acres, divided into 23 townships; quit rent 2 s. per 100 acres per annum. Terms same as above.

CHARLOTTE TOWN AND ROYALTY AND COMMON.—7,300 acres; Charlotte Town divided into hundreds, containing 496 town lots; 21 water lots; 45 of which do not appear on record. Royalty containing 592 lots of 12 acres each, 90 of which do not appear on record; 35 common lots of 12 acres each, two of which do not appear on record. Quit rent on town lots 7 s. per annum; pasture lots 3 s. per annum. 151 town lots granted within the last twenty years; 16 water lots; 187 pasture lots; 2 common lots. Terms prescribed by grants on town lots, to build a house, 16 feet by 12; and pasture lots, to clear three acres previous to obtaining a grant, and pay the annual quit rent.

GEORGE TOWN AND ROYALTY.—4,000 acres; George Town divided into 12 ranges, containing 192 town lots, of which 163 do not appear on record. Royalty containing 405 lots of eight acres each, 377 of which do not appear on record. Quit rent on town lots 5 s. per annum; pasture lots 2 s. per annum. Three town lots granted within the last twenty years; five pasture lots. Terms the same as above.

PRINCE TOWN AND ROYALTY.—4,000 acres, divided into 38 rows, containing 306 town lots, of which 228 do not appear on record. Royalty containing 346 lots of eight acres each, 124 of which do not appear on record. Quit rent of town lots 5 s. per annum; pasture lots 2 s. per annum. Granted within the last twenty years, 5 town lots; 53 pasture lots. Terms the same as above.

(signed) J. E. Carmichael,
Col. Secretary.

APPENDIX TO COLONEL COCKBURN'S

PRINCE
EDWARD'S
ISLAND.

Appendix (C.)
No. 1.

Lots granted within the last Twenty Years :

Charlotte Town	-	-	-	-	-	151	Lots.
George Town	-	-	-	-	-	3	Do.
Prince Town	-	-	-	-	-	5	Do.
							<hr/>
Town Lots	-	-	-	-	-	159	
Water Lots	-	-	-	-	-	16	
							<hr/>
Total of Town and Water Lots	-					175	

Charlotte Town	-	-	{	187	Pasture Lots.
				2	Common Lots.
				<hr/>	
				189	
George Town	-	-		5	Pasture Lots.
Prince Town	-	-		53	Pasture Lots.
				<hr/>	
				247	Total of Pasture and Common Lots.

RECAPITULATION.

		Acres.
467,000	Prince's County.	
412,000	King's County.	
486,400	Queen's County.	
7,300	Charlotte Town and Royalty.	
4,000	George Town and Royalty.	
4,000	Prince Town and Royalty.	
		<hr/>
1,380,700	Total.	

(C.)—No. 2.

RETURN of the Acting Surveyor General of Prince Edward's Island to
Colonel Cockburn.

Office of the Surveyor General, Prince Edward's Island.

Appendix (C.)
No. 2.

IT appears by the Office Plans of Townships, No. 55 and No. 15, that the following number of acres are held by grant, and also by license of occupation, as ordered by the Secretary of State, shortly after these townships were revested in the Crown.

		Acres.
Township, No. 55, granted	-	5,000
Ditto, under Lease	-	600
		<hr/>
		5,600

The township contains 20,000 acres, which leaves 14,400 acres in the Crown.

		Acres.
Township, No. 15, granted	-	1,200
Ditto under License of Occupation	-	6,700
		<hr/>
		7,900

The township contains 20,000 acres, which leaves 12,100 in the Crown.

(signed) J. E. Carmichael,
Acting Surveyor General.

(C.)—No. 3.

QUESTIONS BY MR. HORTON.

Q. 1.—THE fullest account of the Nature of the Lands which have already been granted ; their Quality, Capacity, and the Terms of Cultivation which have been imposed ?

PRINCE
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ISLAND.

Appendix (C.)
No. 3.

A.—Prince Edward's Island contains 1,400,000 acres of land, and is in its greatest length 160 miles, and varying in breadth from forty miles at the widest to six and seven miles at the narrowest part. It is much intersected by navigable rivers and arms of the sea ; and it is said that there is not one point in the Island more than five miles distant from water carriage. There is no country of its extent more abounding in safe and commodious harbours, and there is everywhere abundance of springs of the purest water.

The Island is divided into three counties, King's County, Queen's County, and Prince County. The whole of the land in each county has been granted away by the Crown, to different persons, in tracts or townships of 20,000 acres each. These grants consist in the whole of sixty-seven townships, and include every acre that His Majesty could grant, excepting the site of a town and a royalty in each county, containing about 15,000, and the townships No. 55 and No. 15, which were reinvested in the Crown under an inquest of office in the year 18—.

The grants of townships contain no condition to cultivate ; but each grantee was required, within a definite period, to settle his lot with inhabitants in the proportion of one person to every 200 acres of land, and on condition of paying a quit-rent for each 100 acres, which is now reduced to the sum of 2 s. annually. The quit-rent has not at any time been regularly collected, and it is not now. None of the adjoining Colonies pay quit-rent, although there is a like reserve in those of Nova Scotia, New Brunswick and Canada.

The Island is everywhere of a very undulating surface, there being not, probably, half a mile of level ground within it. The highest land is said to be about 400 feet above the level of the sea. The soil is generally a deep red sandy loam, of great fertility, approaching in some districts to a clayey loam. All the grains of Britain are raised in perfection. Wheat, oats and barley, are each excellent in their kind, and abundant in their produce, under ordinary management. All the leguminous crops, potatoes, turnips, carrots, parsnips, cabbages, and the mangel wurzel, are here brought to perfection.

From the earliest period of the English settlement of the Island, which may be said to have commenced in the year 1775, the Island raised enough for its own consumption, and may be said to have been, since the year 1790, an exporting country of oats, wheat, barley and potatoes, and still continues so, though in a smaller degree, since a larger market has arisen within it from the demands of lumber men, from ship-building, and from a small fishery.

The whole Island is an unvaried tract of hard wood, beech, birch and maple forming the mass of its forest. There is not, probably, 20,000 acres of indifferent land in the Colony ; and it may be said to be all arable ; that is to say, capable of yielding profitable crops under the plough.

There are no obstacles to beneficial cultivation but the forest trees ; the land is everywhere free of stones and rocks, and draining is hardly anywhere required. The country on the coast abounds with sea ware, which is used as a manure ; and in all the bays, rivers and creeks there is abundance of rotten eel-grass, a sort of sea-weed, which, in a state of decay, is excellent manure ; muscle-mud, a very rich marle, containing, on analysis, 45 per cent of the carbonate of lime. All of these have latterly been used by the farmers, but not to the extent they ought.

The grasses commonly sown in the Island are the timothy (meadow catstail of the botanists), the red and white clover, and the cow-grass, or perennial red clover. Where the land is under tolerable management, from one half to two tons of hay is

PRINCE
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Appendix (C.)
No. 3.

made to the acre. It must, however, be borne in mind, that all culture here, even the best, is far behind that of Europe.

Connected with this subject, climate must not be omitted. The winter is long, and its length, not its severity, is formidable. From the 1st of December ploughing is in general impracticable, though there are some rare instances of its having been prolonged to January. Its recommencement may fairly be stated as the 17th April, although earlier seasons are not unfrequent. Wheat is sown from the 1st to the 15th of May, in ordinary seasons; oats a week later; and barley a week or ten days still later. Potatoes are planted from the first day till the middle of June, and in the Forest a fortnight or three weeks later.

The hay harvest begins in the middle of July, and terminates, with all good farmers, towards the end of that month or the first week of August. The grain harvest commences in the end of August, and continues through September. The potatoe crop is taken up in October.

It may be fairly said that all crops are brought to maturity here, and are saved with much less trouble than the same crops are in Great Britain or Ireland.

The severity of the winter is not so great here as in any of the Colonies that adjoin it under the same parallel of latitude, or indeed more southerly; our insular situation accounts for this.

The people here are satisfied that the winter is favourable to agriculture; by that is meant that the snow covering our land is beneficial.

Q. 2.—THE Nature of the Conditions with respect to Road-making and Draining, which have been required?

A.—There is no condition in the grants of our townships but those already noticed. There is, however, a reserve in each grant of land, for the Crown to make highways and wharfs, and for fortifications.

Under this reservation the government of the Island has caused roads to be made at public expense, where such roads were deemed beneficial, through the townships, without giving any compensation to the owners, and indeed without any claim having been made, such roads being in all cases as advantageous to the proprietor as they were to the public.

It may be mentioned here, that the highways of the Island have been heretofore made almost exclusively by the labour which each male person, between sixteen and sixty, is bound to work four days annually on the roads. The produce of a public tax on imported spirits and wines, in aid of these roads and the bridges, has been for many years only partially applied to this object. The highways are, however, better than might have been expected; on one road a carriage may be driven, without difficulty, seventy miles, and on many others ten and fifteen miles. There is reason to believe that in a few years good carriage roads will be made to every part of the Island; and that as the Legislature has voted money for that purpose, the statute labour may, in a short period, be exclusively applied to cross roads.

It may safely be said, that there is no forest country in America where good highways can be made at so small an expense. Draining is hardly anywhere required.

Q. 3.—THE Operation of any existing Law of Escheat?

A.—There is no colonial law of escheat here. Two townships, Lot 15 and Lot 55, were escheated some years ago by orders of my Lord Bathurst. They were escheated under an inquest of office, for the non-performance of the conditions of the grant. The forfeiture of Lot 15 has never been questioned, and grants have been given of it to the extent of 12,000 acres. There are, under license of occupation, 6,700, making a total of 7,900 acres. The township contains 20,000 acres, which leaves 12,100 in the Crown.

The escheat of lot 55 is now in a course of legal investigation by a traverse of the inquest of office. Grants of that lot to the extent of 5,000 acres (and under lease 600) have been made in the interval between the period of escheat and the traverse. The township contains 20,000 acres, which leaves 14,400 in the Crown.

Q. 4.—The

Q. 4.—THE Value of the Lands?

A.—The value of land in this Island, and indeed in all new countries, varies perhaps more than it ever does in Europe. One hundred acres in a good situation, well cleared, with good fences, and suitable buildings, and in judicious cultivation, might yield a higher price than 5,000 acres of forest land of the same natural quality, situated in a remote quarter, distant from roads, harbours, settlements and markets.

The common rent of wood land here is 1*s.* currency the acre, or 5*l.* for 100 acres. This rent is seldom exacted till the tenant has been three years on the land, and these three years he sits rent-free. The common price of the like land is from 10*s.* to 20*s.* the acre for a farm of 100 acres; this is of land favourably situated, and in settlements, and the terms of payment are generally made very easy. This is the way in which the owner of a township deals with his settlers.

Purchases of land, however, on a large scale, are after a very different rate.

It is not, however, very easy to say what may be the rate by the acre, where there are so many varying circumstances in the value of a township, for they all are more or less settled, and generally are of value in proportion to their being so, if the lands have been leased; but on the other hand, when the settlers have bought their lands, the value of a township is diminished, because the early settlers generally have chosen the most valuable tracts of land, and the best situations as to harbours and water carriage.

Perhaps some instances of recent sales may give the most correct information. A township, Lot 54, of excellent land, with an extensive water front on Cardegan River, where the largest man-of-war may enter, was lately sold for 1,500*l.* sterling. The land sold was 18,000 acres; 2,000 acres had previously been disposed of.

Mr. Johnson, the agent of Lord Selkirk's property, is now in treaty with some New Brunswick Frenchmen, for the sale of Lot 10, and half Lot 12, both nearly in a state of nature, and containing 30,000 acres; these lands are distant about sixty miles from Charlotte Town; the price Mr. Johnson has asked is only 2,500*l.* It is a detached portion of my Lord Selkirk's estate, which he wishes to get rid of. Mr. Johnson offered 16,000 acres, part of Township 31, within eight miles of the capital, for 2,000*l.* currency, and there are tenants paying rents to the amount of nearly 50*l.*; and Mr. Johnson has only yet received an offer of 1,500*l.* with distant periods of payment.

Land then may be said to be very cheap; it is much lower priced than in any of the adjoining Colonies, and for this solid reason, that there is a greater abundance of fertile land here. It has already been said that the Island contains 1,400,000 acres, and the population is thought to be about 31,000 souls. There has never been any census that could be relied on, but the above is thought, by the best informed persons, near the truth. Land must therefore, of necessity, be cheap where the population is small, and fertile land so abundant.

Q. 5.—THE Means of Improvement, whether dependent on Capital or otherwise?

A.—The Island wants capital, as all new countries do. There no is British Colony where capital may be invested in land more beneficially, and no Colony of the Crown that has so sparingly partaken of public money. Since its settlement, half a century, it has never received one ray of public encouragement; while Nova Scotia has had not only assistance in its early settlement from Government, but up to the present day owes any prosperity she enjoys to the Military and Naval station of Halifax, and the money thereby circulated.

The capital which has from time to time been invested in land purchases here, by private adventurers, has not been great. Nothing, indeed, is deserving the name of capital, save what was expended by the late Earl of Selkirk, and the late Lord Chief Baron of Scotland, Montgomery; and neither of them nor their heirs have yet reaped the benefits which their spirited exertions well merited.

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Appendix (C.)
No. 3.

There has not been any capital as yet applied to agriculture. A few gentlemen near Charlotte Town have amused themselves in farming, and have adopted judicious modes of culture, and improved the breed of stock of all sorts; and this taste increases and spreads over the country; but the new farmer who goes to clear the forest is in general possessed of no more property than his axe and hoe, and is often in debt for that. If he be an Emigrant he generally wanders about from place to place, quite bewildered with the variety of choice, and only fixes himself on the spot where he spends his last shilling.

It is to this numerous and valuable class that a small advance of capital may be of incalculable value; and any body of capitalists who might engage in such an advance, would find it a beneficial and safe mode of employing money; such capitalists having in the first instance possessed themselves of lands in the Island sufficient for their purpose; 150 or 200,000 acres might be had on nearly the same terms as before mentioned.

If the Government gives any aid to persons wishing to emigrate to the Island, it is to be hoped such Emigration may proceed from England. The basis of our population is the Scotch Highlander; a small body of the old Accadian French, and a few American Loyalists; the remainder is about an equal compound of English, Irish and Lowland Scotch. There is not a more orderly people in any of His Majesty's dominions, and it is very desirable to keep them so. This, however, might be despaired of were a great addition made to our population from Ireland.

Q. 6.—THE Quantity remaining to be disposed of?

A.—The quantity of public land is the 12,100 acres of Lot 15, and the remaining 14,400 of Lot 55, should the traverse of the inquest of office be unsuccessful; and a few town and pasture lots in the town and royalty of George Town.

The quantity of land that might be purchased from individuals is very great, say 150 to 200,000 acres.

July 1825.

(C.)—No. 4.

COPY of a Letter from Mr. Richard Yates to His Excellency the Lieutenant Governor.

Charlotte Town, 28th May 1827.

RICHARD YATES' respectful compliments to his Excellency the Lieutenant Governor, begs to state, by a hasty calculation, also from other information, he thinks the under-mentioned is a tolerable near account of the surplus produce, as may be expected any fair year under present circumstances; viz.

100,000 Bushels of Potatoes.
17,000 Ditto Oats as Meal.
2,500 Ditto Barley Ditto.
1,000 Ditto Wheat as Flour.

(C.)—No. 5.

EXTRACT from Colonel Cockburn's General Remark Book.

Appendix (C.)
No. 5.

Charlotte Town, Prince Edward's Island.

A BEAUTIFUL and excellent harbour. Town not extensive, but neat and well built. The harbour shut up from first week in January to about the middle of April. Price of wheat 5s. per bushel; potatoes 1s. Clearing land and preparing it for crop \$ 10 (*i. e.* ten dollars) per acre. The soil throughout the whole Island good. Improvements by no means as extensive as they ought to be. Population about 30,000.

CAPE BRETON.

(D.)—No. 1.

COPY of a Letter from J. Crawley, Esq. Surveyor General, Cape Breton, to his Excellency Lieut. General Sir James Kempt, G. C. B. &c. &c.

Sir,

Sydney, 16 April 1827.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 4th April, and I hasten to offer such information concerning the subject of it, as I have been able by various means to procure. In my private note of 30th January to Sir Rupert George, I ventured to state that there might be vacant land for the accommodation of between 5,000 and 6,000 families, in this Island. That estimate was founded rather on my knowledge of the extent of surface than of the quality of the soil; and the result of later inquiries would induce me to recommend great caution as to the number to be brought hither in one year, until the interior has been carefully explored by intelligent persons.

CAPE BRETON.

Appendix (D.)
No. 1.

If the Great Miré Grant were escheated, there would be about 82,000 acres of disposable land, nearly one half of which, I am credibly informed, is good for nothing. From the western boundary of that Grant to the vicinity of St. Peter's and northerly and southerly, there may be rather more than 100,000 acres, some, doubtless, good, and a great deal, I fear, very indifferent, more especially towards the sea coast.

I have been disappointed in my expectations of obtaining a survey of the cluster of lakes in the rear of the Red Island lots, and a better knowledge of that country, by an unlucky accident, which confined to his room, until the ice became impassable, the only competent Surveyor that was disengaged. I learn from my deputies, from whose unrequited labours we derive the only information to be depended on, that the greatest quantity of ungranted good upland lies between the River Denis, the Gulf Shore, and thence towards the River Inhabitants. According to Mr. Luce's calculation, or rather his conjecture, there may be within those limits about 100,000 acres; and I am of opinion that 500 families might be planted at once in that part of the country, with less risk of disappointment than in any other. Five hundred would, I think, be as many as should be hazarded at one time between Miré, including the grant of that name, and St. Peter's. Mr. M'Nab makes a report of 200,000 acres, in *detached* situations, unoccupied, and fit for cultivation; it would perhaps be more correct to say, fit for farms; for it is not probable that the whole is suitable for cultivation. My deputy for the north-eastern part of the Island thinks there may be, in various situations in his district, from the Island Boulderic to Cape St. Lawrence, about 150,000 acres of land fit for agriculture; but I would not venture to recommend to send thither 200 families *until* the *country* be explored. In short, although there may be in the whole Island vacant land for 5,000 families, it would be very rash, considering our limited knowledge of the interior, to pretend to say where any large body of Emigrants might *safely* be placed, previously to the making correct *surveys* and divisions into lots, or, at least of extensive and careful explorations.

I have the honour to be, &c

(signed)

J. Crawley, S. G. C. B.

His Excellency the Governor.

CAPE BRETON.

Appendix (D.)
No. 1.COPY of Letter from C. D. Rankin, Esq. to James M'Lauchlan, Esq.
H. P. 104th Regiment.

Dear Sir,

Charlotte Town, 28th May 1827.

ACCORDING to your request when we parted, I called at your lodgings at the time appointed. I was informed you had gone on board.

After a residence of upwards of twenty years in this country, that is so say, in the Canadas, Nova Scotia, New Brunswick, Cape Breton, and this Island, I was applied to by several of the principal proprietors of the Highlands of Scotland to make myself as well informed regarding the most suitable of the above Colonies for the location of Settlers. I of course made it my study to travel as much of the interior of said Provinces as possibly I could, whenever leisure would permit me, and the duties of both the civil and military situations which I had the honour to hold. I am very sorry that your request was not made at an earlier period, for the information of Colonel Cockburn. As the small sketch I have given you of the Bras d'Ors, and several lakes, will inform you of that part of Cape Breton, I will commence from the Gut of Canso to Cape North, which is as follows :

From the Judique to Cape Mabou, the front is settled, but by cutting roads through in many directions from the Judique to the interior, or opposite lakes, the lands are good and well adapted for Emigrants.

From Cape Mabou to Margaree River, the front is also settled, which is a distance of sixty miles from the Gut of Canso. The whole of the interior is well calculated for Settlers, with many fine lakes. From Margaree to Chetecan Harbour, the front is partly settled by French. The most part of the interior is rocky, and all the coast between Chetecan and Cape North is very wild, not fit for Settlers. From Cape North to Sidney I do not know, but was informed the land was very barren.

Commencing again from Canso to St. Peter's, the whole is settled in front. An immense number of inhabitants could be located on the interior of all that coast by cutting cross roads, and in particular from St. Peter's to Sidney, I am certain, is the best tract of land on the Island.

The Great Bras d'Or and Little Bras d'Or are a good deal settled on the front. I am well aware that there is plenty of lands in Cape Breton to accommodate from 25,000 to 30,000 Emigrants.

Should Colonel Cockburn, at any future period, require any information of the aforesaid Provinces, I shall be most happy to give him or you every assistance in my power.

I am, &c.

(signed) C. D. Rankin.

(D.)—No. 2.

Appendix (D.)
No. 2.INFORMATION obtained at Saint Peter's, Island of Cape Breton,
7th June 1827.

REV. MR. MAC LEOD, (Catholic Clergyman,) from information obtained from his parishioners, who reside all round the Bras d'Or Lake, and from whom and others he has heard much respecting the Island, confirms the statement which is given by the colouring of Map: and further states, that he has seen and conversed with persons who passed through the tract of country marked Unknown, and lying from the Bedeque River towards Limbo Cove and Cape North, and who spoke favourably of it. The Indians have informed Mr. Mac Leod there is a silver mine near Cape North.

Mr. Mac Leod thinks favourably of the soil of this Island generally, and is fully convinced that many parts of it are decidedly superior to Prince Edward's Island. He has seen a great deal of new Settlers, and feels satisfied there is no part of British North America so well qualified for the reception of Settlers as the interior of this Island ;

Island ; fish being to be taken in abundance in all the waters, summer and winter, and the water communications being within easy reach of every part of the Island.

Mr. Mac Leod states, there is a great want of mills throughout the Island ; but that there is no want of situations for building them.

CAPE BRETON.

Appendix (D.)
No. 2.

Mr. Kavenagh (in whose house Mr. Mac Leod gave the foregoing information), and who is member of the Assembly for this Island, and has resided at Louisburg, Arichat, and at St. Peter's, from his childhood, fully corroborates Mr. Mac Leod's testimony ; and expresses his confident opinion, that the soil of this Island is quite as good as that of any of the Provinces in British North America. Mr. Kavenagh thinks, the increase of wheat on new lands in this Island is about ten or twelve for one. He rather expresses this opinion from hearsay than his own knowledge ; but of this he feels certain, that whatever the increase may be in other Colonies, it is quite as great here. Mr. Kavenagh states the price of labour in this country to be about 20*l.* per annum for wages, and about 14*l.* per annum, or 9*d.* a day, for provisions. Wages per month, at some seasons of the year, as high as 3*l.* The price of preparing land for crop, exclusive of fencing, 3*l.* per acre if store price, and if for cash 2*l.*

Mr. Kavenagh has no doubt that the climate of Cape Breton is to the full as favourable, both for health and agricultural purposes, as any part of the North American Provinces.

A census, taken in 1814, gave the population of the Island at about 8,000. Mr. Kavenagh thinks its amount at the present time does not exceed 17 or 18,000. Price of fall mackarel 15*s.* per barrel, put up for West Indian market.

(D.)—No. 3.

INFORMATION obtained at Arichat (Island of Madame), 8th June 1827.

Appendix (D.)
No. 3.

MR. LUCE, Deputy Surveyor for the Southern District, from general information, and from what he has seen, confirms the statement given by the colouring of the Map ; and, from his own knowledge, is aware that the lands from the St. Deny's to the road leading from Port Hood to Whykohomah, containing about 50 or 60,000 acres, are good and fit for cultivation. The tract below the St. Deny to the road leading from Ship Harbour to head of St. George's Channel, and containing from 50 to 60,000 acres, Mr. Luce has also been frequently over, and knows to be good land. The timbers on both these tracts are black birch, beech, some maple, mixed in some places with hemlock. The green on the tract between the St. George's Channel and the Lennox Passage, goes rather too low ; it however contains about 5,000 acres of good land. In that part, between St. George's Channel and St. Peter's, the green should have been continued down nearly to the Settlements, and contains 5,000 acres of good land. Of the large tract, lying between the Bras d'Or Lake, and that part of the Ocean extending from Grand River to Gubanas Bay, Mr. Luce states, that the part bordering on M'Nab's or the north-west side of the small central lake is not good, a few marshes only excepted. From the south-east side of the lake, however, for three miles towards the sea, the land is good. With respect to the other part of this tract Mr. Luce is unacquainted. In going back beyond the mountains, in rear of Chetigan, is a tract of good land, and which extends in a southerly direction to the Marguerite River. Mr. Luce considers the hard wood timbers of this Island to be of a superior quality to those of Nova Scotia. The lands are mixed, there being no very large tracts of very good or very bad ; but those which are of good quality are fully equal to any in Nova Scotia, that is, in reference to the hard wood lands. Mr. Luce thinks an increase of ten or twelve bushels of wheat from one would be an excellent crop from any new land in the Province, which includes Nova Scotia.

CAPE BRETON.
Appendix (D.)
No. 3.

Mr. Luce will explore any tract or tracts on which further information may be required for 30s. per diem, he paying the whole party, provisions, &c.
There is no vacant land fit for settlement in Isle Madame.
Mr. Luce is very confident, that with the assistance intended to be given by Government, Settlers with common industry cannot fail to succeed in Cape Breton. He has known them come out destitute, and in a few years become independent.

ESTIMATES.

—(E.)—

ESTIMATES.
Appendix (E.)

ESTIMATES of Expense of establishing a Family of Five Persons as Settlers in New Brunswick ; and Messrs. S. Cunard & Co's Tender in support thereof.

ESTIMATE of the Expense to be incurred in taking a Family of Five Persons from England, and permanently establishing them on 100 acres of land in New Brunswick.

1.	{ See Offer of Beatson, Carter, & Bonus, page 62.	} Transport from England	-	£. 16	11	4
		Medical attendance and comforts whilst embarked	-	1	5	-
2.	{ See Messrs. Cunard's Tender, page 61.	} Provisions for fourteen months	-	35	10	-
3.		Tools of husbandry, and domestic utensils, as hereafter detailed	-	-	-	-
			-	3	6	3
4.		Surveys	-	-	9	-
5.		Roads	-	-	10	-
6.	{ Supposed } Expense.	Transport from place of disembarkation	-	1	-	-
7.		Cash for cow, or to assist in putting up hut	-	4	10	-
8.		Public Buildings	-	-	6	-
9.		Clearing and fencing thirty acres of land	-	-	1	-
10.		Seed corn, &c. (see Messrs. Cunard's Tender)	-	1	10	-
		Add for sundries	-	1	1	5
				£. 66	-	-

or £. 13. 4s. for each individual.

In addition to the above, there will be a charge of about £. 1,000 a year for the Settling Department in the Province.

ESTIMATE of the Expense to be incurred in taking a Family of Five Persons from England, and permanently establishing them on 100 acres of land in New Brunswick.

ESTIMATES.

Appendix (E.)

1. Transport, medical attendance, &c. from England	-	£. 17	16	4
2. Six months provisions (see Messrs. Cunard's Tender)		17	15	-
3. Tools of husbandry and domestic utensils (see Messrs. Cunard's Tender)	-	-	-	-
			3	6
4. Surveys	-	-	-	-
			-	9
5. Roads	-	-	-	-
			-	10
6. Transport from place of disembarkation (supposed expense)	-	-	-	-
			1	-
7. Cash for cow, or to assist in putting up hut	-	-	4	10
8. Public buildings	-	-	-	6
9. Clearing and fencing thirty acres of land	-	-	-	1
10. Seed corn, &c. (see Messrs. Cunard's Tender)	-	-	1	10
12. Clearing three acres of land ready for crop	-	-	7	10
Sundries	-	-	1	6
			5	
			£. 56	-

This sum, divided amongst five, will be £. 11. 4 s. for each individual.

In addition to the above, there will be a charge of about £. 1,000 a year for the Settling Department in the Province.

LETTER from Messrs. Cunard, enclosing Estimate for Provisions, Implements, Seed, &c.

Halifax, 13th June 1827.

Dear Sir,

HEREWITH I send you a list of articles which you mentioned to me as likely to be wanted in any new Settlement of Emigrants that may be formed. Should security be required in London, Messrs. Bainbridge and Brown, of Bread-street, are our agents, and will at all times be ready to enter into the necessary security.

I am, &c.

(signed) S. Cunard.

Colonel Cockburn.

TENDER from S. Cunard & Co. Halifax, to furnish Provisions, Implements of Husbandry, Seed, &c.

Note.—This Estimate refers to the items numbered 2, 6, and 10, in General Estimate.

Halifax, 13th June 1827.

Sir,

WE will engage to supply rations for one year certain, and for a longer period if required, for 2,000, more or less, families, consisting of about five persons in each family, to be delivered at any one convenient harbour between Pictou and Miramichi, at your option; the ration to consist of as follows:—

5½ lbs. prime beef or pork, at your option	} Per week, as a whole ration for an adult.
4 lbs. Indian corn or oatmeal, at ditto	
3 lbs. fine flour	
2 pints molasses	
7 lbs. potatoes, or three pints peas	

Averaging a family to consist of five persons, and to be entitled to

2 whole rations	} At the rate of 4d. sterling per day, in this proportion of rations for each person in the family.
1 half do.	
2 one third do.	

ESTIMATES.

Appendix (E.)

We also engage to supply the following articles, at the prices affixed thereto, in sterling :

16,000	Bushels of Potatoes, at	-	-	2 s. p	er bushel.
2,500	Ditto Seed Wheat	-	-	5 s. 6 d.	—
4,000	Felling Axes, warranted	-	-	6 s.	each.
4,000	Hoes	-	-	3 s.	—
2,000	Sickles	-	-	1 s.	—
2,000	Scotch Spades	-	-	4 s. 6 d.	each.
2,000	Pots	-	-	3 d.	per lb.
2,000	Bake Ovens	-	-	3 d.	—
2,000	Frying Pans	-	-	4 ½ d.	—
2,000	Hand Saws (cast steel)	-	-	5 s. 6 d.	each.
2,000	Augers	-	-	2 s.	each.
2,000	Gimlets of Sizes	-	-	3 d.	—
2,000	Pairs Hooks and Hinges	-	-	4 ½ d.	per lb.
2,000	Claw Hammers	-	-	1 s. 6 d.	each.
24,000 lbs.	{ Nails, 4 ^{dy}	-	-	8 d.	per lb.
	{ D° 10 ^{dy}	-	-	5 ½ d.	—
	{ D° 20 ^{dy}	-	-	5 d.	—
2,000	Drawing Knives	-	-	2 s.	each.
12,000	Panes of 7 × 9 Glass	-	-	4 d.	—
2,000	Grindstones	-	-	2 s.	—
60	Whip Saws	-	-	23 s.	—
30	Cross Cut D°	-	-	23 s.	—
2,000	Large Common Tea Kettles	-	-	4 s.	—
80	Bushels Yellow Seed Corn	-	-	-	-
	(Indian)	-	-	-	6 s. 6 d. per bushel.

It is understood that this offer is subject to the approval of His Majesty's Government at home ; and should it be approved and afterwards abandoned, ten per cent to be allowed us to cover any loss that we may sustain erecting storehouses, collecting provisions, &c.

We further state, that to prevent the possibility of any serious disappointment in the event of Emigrants coming out this autumn, we will keep on hand a larger supply of provisions than usual, so as to be enabled, at the shortest notice, on any emergency, to send such quantity as may be required to any part of the Province. In making this latter arrangement, should we sustain any trifling loss, we will state the same, not however as a matter of claim or right, but entirely leaving to His Majesty's Government the amount of any remuneration it may be thought fit to afford us.

We are ready to enter into any security that may be required, either here or in London.

We have to entreat that the decision of His Majesty's Government may be communicated to us at the earliest possible period, to enable us to make our arrangements.

We have the honour, &c.

(signed) *S. Cunard & Co.*

LETTER addressed to Lieut. Col. Cockburn by Messrs. Beatson, Carter and Bonus, previous to his leaving London.

Sir,

3, George Yard, Lombard Street, 29th January 1827.

CAPTAIN DOUGLAS having intimated to us your desire to ascertain the terms upon which Settlers could be conveyed to Nova Scotia, New Brunswick, and Quebec, from appointed ports in the United Kingdom, we beg leave to state we would contract for the conveyance of any number on the following terms:—the old soldiers rations agreeable to the form enclosed, with the usual proportion for women and children, together with water and fuel at the following prices:—men, per day, 1 s. ; males above twelve years, 1 s. ; women, two thirds, 8 d. ; children under twelve years, 6 d. ; tonnage 21 s. 6 d. per ton, and embarked in the proportion of two adults to three tons register. Half freight payable on sailing of the ships, and the other moiety on the receipt of certificates of safe arrival at the ports of destination.

We have the honour, &c.

(signed) *Beatson, Carter, & Bonus.*

INSTRUCTIONS AND REPORT ON EMIGRATION.

63

RULES to be observed in victualling Troops when embarked.

ESTIMATES.

Appendix, (E.)

Six Soldiers' Allowance, for every Day in the Week.

	BREAD, Pounds.	BEER, Gallons, or half Pints SPIRITS, or Pints WINE.	BEEF, Pieces of 8lbs.	PORK, Pieces of 4lbs.	Peas, Pints.	OATMEAL, Pints.	BUTTER, Pounds.	CHEESE, Pounds.	VINEGAR.	WATER.
Sunday -	4	4	- -	1	2	-	-	-		
Monday -	4	4	1 or 6lbs. of Flour, ½lb. of Suet, and 1lb. of Raisins.	- -	-	4	½	1	One Quart in a Week.	A sufficient Quantity for the Time they may be on board.
Tuesday -	4	4		- -	-	-	-	-		
Wednesday	4	4		- -	2	4	½	1		
Thursday -	4	4	- -	1	2	-	-	-		
Friday -	4	4	- -	- -	2	4	½	1		
Saturday -	4	4	1 or as above	- -	-	-	-	-		

Women are to be victualled at three-fourths of the above allowance, and Children at one half of Women's allowance.—The above are to be served out by full weights and measures.

Nº 3. as referred to in General Estimate.

Tools of Husbandry and Domestic Utensils :

	£.	s.	d.
2 Felling or Narrow Axes	-	-	12
2 Narrow Hoes	-	-	6
1 Sickle (Blade)	-	-	1
1 Spade, Scotch	-	-	4
1 Iron Pot, weight 22lbs.	-	-	5
1 Bake Oven, weight 31lbs.	-	-	7
1 Frying Pan	-	-	2
1 Hand Saw (cast steel)	-	-	5
1 Auger, 1 and 1 ½ inch, in equal proportion	-	-	2
1 Gimlet	-	-	3
1 Set of Hooks and Hinges	-	-	2
1 Claw Hammer	-	-	1
12 Pound Nails, of Sorts	-	-	6
1 Drawing Knife	-	-	2
6 Panes of Glass	-	-	2
1 Grindstone	-	-	2
60 Whip and Thirty Cross Saws, for the whole	-	-	1
1 Tea Kettle, 1 ½ gallons	-	-	4
	£. 3	6	3

No. 4. as referred to in General Estimate.

For Roads :

From the sea shore to the place of settlement	£. 600	-	-
A track from the Bend of the Petecoudiac direct to Richibuctoo River, through the centre of Settlement, at from 11 l. to 12 l. per mile	-	400	-
	£. 1,000	-	-

This sum, divided amongst 2,000 heads of families, would be 10 s. to each.

ESTIMATES.

Appendix, (E.)

N° 8. in General Estimate.

For Superintendent's House and Store :

Superintendent's house, which will contain the									
office	-	-	-	-	-	-	-	£.350	- -
Provision store	-	-	-	-	-	-	-	250	- -
								£.600	- -

This sum, divided amongst 2,000 heads of families, would be 6 s. each.

N° 9. as referred to in General Estimate.

For Clearing and Fencing Thirty Acres round Stores and Houses, at something upwards of 3 l. 10 s. per Acre, say 100 l. sterling, which, amongst 2,000 heads of families, would be 1 s. to each.

This expenditure is particularly required as a preventive against fire.

N° 10. as referred to in General Estimate.

For Seed, supposing 4½ acres for crop :

2 Acres in wheat ; 2½ bushels of seed, at 5 s. 6 d.									
a bushel, weighing 60 lbs.	-	-	-	-	-	-	-	£.-	13 9
1½ Acre potatoes ; 8 bushels of seed, at 2 s. per bushel									
bushel	-	-	-	-	-	-	-	-	16 -
1 Acre Indian corn ; 1 quart, at about 6 s. 6 d.									
per bushel	-	-	-	-	-	-	-	-	2 ½
								£.1	9 11 ½

Settling Department, as referred to in General Estimate.

Superintendent	-	-	-	-	-	-	-	£.300	- -
First Clerk	-	-	-	-	-	-	-	150	- -
Second D°	-	-	-	-	-	-	-	110	- -
Two issues, at 70 l. each	-	-	-	-	-	-	-	140	- -
								£.700	- -

Or for each family 7 s.

INSTRUCTIONS AND REPORT ON EMIGRATION. 65

(F.)—No. 1.

GENERAL RETURN of the POPULATION, and AGGREGATE ACCOUNT of the RATEABLE PROPERTY, in the *Bathurst District*, for the Year 1827.

UPPER CANADA.
Appendix (F.
No. 1.

GENERAL RETURN of the POPULATION of the Bathurst District, for the Year 1827.

TOWNSHIPS.	NUMBER IN EACH.					TOTAL.
	Heads of Families.	Males under 16.	Females under 16.	Males above 16.	Females above 16.	
Drummond - -	356	441	419	127	394	1,737
Bathurst - - -	328	351	422	118	419	1,638
Beckwith - - -	306	332	350	52	288	1,328
Lanark - - -	313	418	383	99	313	1,526
Ramsay - - -	267	342	337	84	265	1,295
North Sherbrooke -	37	45	53	28	38	201
Dalhousie - - -	187	244	228	60	184	903
Goulbourn - - -	328	416	404	94	337	1,579
March - - -	61	99	107	27	71	365
Nepcan - - -	76	62	90	263	89	580
Fitzroy - - -	49	39	33	30	45	196
Huntley - - -	140	136	119	33	124	552
Packenham - -	67	70	66	28	76	307
	2,515	2,995	3,011	1,043	2,643	12,207

The above is a correct Return.

G. H. Reade.

Torbolton, M^cNab, South Sherbrooke, Darling, and Levant, not included in this Return.
Torbolton not assessed this year; and M^cNab containing a Population of more than 200.

G. H. Reade.

UPPER CANADA.—Appendix (F.) No. 1.—continued.

AGGREGATE ACCOUNT of the Rateable Property

TOWNSHIPS.	Acres of Land.		Houses.									
	Uncultivated.	Cultivated.	Squared or hewed Timber, Two Sides, One Story.	Additional Fire-places.	Framed, under Two Stories.	Additional Fire-places.	Squared Timber, Two Stories.	Additional Fire-places.	Brick or Stone, of One Story, with not more than Two Fire-places.	Additional Fire-places.	Frame, Brick, or Stone, of Two Stories, with not more than Two Fire-places.	Additional Fire-places.
Drummond -	32,705	4,408 $\frac{3}{4}$	9	-	29	9	3	1	5	4	9	25
Bathurst -	31,326 $\frac{1}{2}$	4,632 $\frac{1}{2}$	10	-	-	-	-	-	1	-	-	-
Beckwith -	31,159	3,413	3	-	1	-	2	-	-	-	-	-
Lanark -	32,014	2,939	-	-	-	-	-	-	1	-	-	-
Ramsay -	25,718	2,095	-	-	-	-	-	-	-	-	-	-
North Sherbrooke	5,085	321	-	-	-	-	-	-	-	-	-	-
Dalhousie -	18,177	1,903	-	-	-	-	-	-	-	-	-	-
Goulbourn -	37,233	3,181	22	9	1	-	-	-	-	-	2	3
March -	16,884	916	-	-	-	-	-	-	-	-	1	4
Nepean -	9,789	909	16	-	4	-	-	-	2	-	1	-
Huntley -	16,472	858	-	-	-	-	-	-	-	-	-	-
Packenham -	5,764	330	-	-	-	-	-	-	-	-	-	-
Fitzroy -	12,321	449	6	3	-	-	-	-	-	-	-	-
Total -	274,647 $\frac{1}{2}$	26,355 $\frac{1}{4}$	66	12	35	9	5	1	9	4	13	32

Torbolton, M'Nab, South Sherbrooke, Horton, Darling, and Levant, have not been assessed: the Township of Torbolton was last year; and M'Nab, that contains a Population of more than 200 souls, has been neglected.

(signed) G. H. Reade,
Clerk of the Peace, Bt. Dt.

INSTRUCTIONS AND REPORT ON EMIGRATION.

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UPPER CANADA.—Appendix (F.) No. 1.—continued.

in the Bathurst District, for the Year 1827.

Mills.			Merchant Shops.	Storehouses.	Stone Horses for covering Mares for Hire or Gain.	Horses 3 Years old and upwards.	Oxen, 4 Years old and upwards.	Milch Cows.	Horned Cattle, from 2 to 4 Years old.	Wag-gons, kept for Pleasure.	Rate per Pound.	Amount of Assessment.			Amount to be Collected.		
Wrought by Water, with One Pair of Stones.	Additional Pair of Stones.	Saw Mills.										£.	s.	d.	£.	s.	d.
1	-	1	9	-	1	79	286	523	328	3	1	19,284	15	-	80	7	- $\frac{3}{4}$
4	-	2	2	-	-	58	274	546	327	-	-	15,862	16	-	66	1	10 $\frac{3}{4}$
1	-	-	4	-	-	24	323	425	183	-	-	13,691	16	-	57	-	11 $\frac{3}{4}$
3	-	1	1	-	-	9	213	395	275	-	-	12,515	16	-	52	2	11 $\frac{3}{4}$
2	1	1	3	-	-	9	155	293	224	-	-	10,083	12	-	42	-	3 $\frac{1}{2}$
-	-	-	-	-	-	-	32	53	40	-	-	1,665	-	-	6	18	9
1	-	-	-	-	-	3	112	224	199	-	-	7,031	8	-	29	5	11 $\frac{1}{2}$
1	1	1	6	-	-	45	223	421	169	-	-	15,472	12	-	64	9	4 $\frac{1}{2}$
1	-	-	-	-	-	15	57	82	31	-	-	5,167	16	-	21	10	7 $\frac{3}{4}$
-	-	2	9	1	-	30	83	102	34	-	-	6,578	16	-	27	8	2 $\frac{3}{4}$
1	-	-	-	-	-	16	71	154	65	-	-	5,241	8	-	21	16	9 $\frac{1}{2}$
1	-	1	-	-	-	2	27	62	34	-	-	2,076	16	-	8	13	- $\frac{3}{4}$
1	-	2	-	-	-	15	65	52	44	-	-	3,975	4	-	16	11	3 $\frac{1}{2}$
17	2	11	34	1	1	305	1,921	3,332	1,953	3	1	118,647	15	-	494	7	3 $\frac{3}{4}$

Certified to be correct, and agreeing with the Assessor's Returns as filed in my Office.

(signed) G. H. Reade,
Clerk of the Peace, Rt. Dt.

UPPER CANADA.

Appendix (F.)
No. 2.

(F.)—No. 2.

COPY of a Letter from Major Hillier to Colonel Cockburn.

My dear Colonel,

Government House, 11th July 1827.

I SEND, as you requested, a hurried sketch of that part of the Province you pointed out; by means of it you will be enabled to transfer to your own map the information you desire.

To the east of that tract an exploring party lately proceeded, at the instance of Mr. Peter Robinson, and they passed through the country (about twenty miles back) in rear of the surveyed part of the Newcastle District. Their report is generally that the land is very rocky, and but a very small portion of it fit for cultivation.

In the Ottawa District, Townships of Clarence, Osgoode, Cumberland, Gloucester, and, perhaps, in all the townships of the District, may be found a good many lots ungranted, but none lying together in large tracts, so as to be easily superintended. The tract purchased of the Indians in 1825, in rear of the London and Western Districts, contains 1,870,000 acres, of which 1,000,000 are to be assigned to the Canada Company.

To the rear (northward) of this purchase, there may remain from 1,500,000 to 2,000,000 of acres, which are not yet purchased from the Indians, said to be of good quality, but the situation very remote.

On the engraved map, the route of canal laid down is that of the work now constructing under Colonel By, with very few deviations.

If you will send me from Quebec a memorandum of any thing else you wish for, I will send it home to you at the Colonial Office.

I remain, &c.

(signed) *J. Hillier.*

To Colonel Cockburn.

UPPER AND LOWER CANADA.

(F.)—No. 3.

COPY of a Letter from Messrs. Gillespie, Moffat & Co. to Colonel Cockburn.

UPPER AND LOWER CANADA.
Appendix (F.)
No. 3.

Sir, Montreal, 16th July 1827.

WE beg leave to subjoin the rates at which we think flour and pork could have been supplied this year at the annexed stations, had arrangements been made for providing the same during winter. Immediately on the opening of the navigation, the holders of those articles begin to ship them to Lower Canada, and any considerable demand thereafter, made at any of the higher stations, would of course materially enhance the prices.

We are, &c.
(signed) Gillespie, Moffat & Co.

Colonel Cockburn.

				Fine Flour, per Barrel of 196lbs. net.	Prime Pork, per Barrel of 200lbs. net.	Peas, per Winchester Bushel.
				Halifax Currency.		
Lake St. Claire	-	-	-	12s. 6d. to 15s.	45s. to 50s.	Uncertain.
Amherstburgh	-	-	-			
Port Talbot	-	-	-			
Niagara	-	-	-			
Burlington Heights	-	-	-	15s. to 17s. 6d.	50s. to 55s.	2s. to 2s. 6d.
York	-	-	-			
Port Hope	-	-	-			
Cobourg	-	-	-			
Carrying Place	-	-	-	15s. to 17s. 6d.	50s. to 55s.	2s. to 2s. 6d.
Belleville	-	-	-			
Kingston	-	-	-			
Brockville	-	-	-			
Prescott	-	-	-	17s. 6d. to 20s.	55s. to 60s.	2s. 6d. to 2s. 9d.
Cornwall	-	-	-			
Montreal	-	-	-			
Quebec	-	-	-			
				25s. to 27s. 6d.	65s. to 70s.	3s. 9d. to 4s.
				26s. 3d. to 28s. 9d.	70s. to 72s. 6d.	4s. to 4s. 3d.

It is desired to observe, that last winter was a season of depression with respect to the value of all kinds of grain in the interior.

Average Rates of Freight from Montreal to Quebec :

Flour	-	-	-	-	9d. per barrel.
Pork	-	-	-	-	1s. per do.
Peas	-	-	-	-	3d. per bushel.

G. M. & Co.

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EXTRACT of a Letter from Messrs. John M'Pherson & Co. to
Colonel Cockburn.

16th July 1827.

OUR Rates for conveyance of Settlers from the Port of Montreal to Prescott in
Upper Canada, until the latter end of August next, would be as follows ; viz.

A family of one man, one woman, and three children,								
one of the latter an adult	-	-	-	-	-	£. 1.	0.	0.
Luggage, per cwt.	-	-	-	-	-	0.	3.	9.

At the above rates, we should expect to pass the La Chine Canal, and Locks
at Cascades, Split Rock, and Coteau du Lac, free.

John M'Pherson & Co.

Colonel Cockburn.

QUESTIONS:

ANSWERS:

What will a Durham boat carry ?

In coming down, they bring from forty to
fifty tons. Upwards, they could carry from
fifty to seventy-five men, women and chil-
dren, and eight to ten tons of luggage.

Average passage from Port of Montreal to
Prescott?

Eight days at farthest. It has been done
in three or four days.

What number of persons could you trans-
port at a time, and what notice would you
require of their arrival ?

With a week's previous notice, during the
months of from May to August inclusive,
for this year (after August probably the
price would increase, as there would be
fewer return boats), 1,000—say 1,000.

What is the expense of the Canal and
Locks for each Durham boat, loaded as above
described ?

La Chine Canal, 12s. 6d. for the boat, and
6d. a head for each passenger. Cascades,
Split Rock, and Coteau du Lac, 70s. for
boat and cargo and passengers.

Is the exemption from tolls a *sine qua non*?

This question shall be answered when Go-
vernment shall be prepared to enter into a
contract.

Our direction is John M'Pherson & Co. Montreal ; and in the event of a
contract being entered into, we shall be perfectly prepared to give security.

John M'Pherson & Co.

The wages to the masters of Durham boats is from thirty to forty-five dollars
per month ; the boatmen, eighteen to twenty-five, and found in the best of food,
without limitation, also grog in abundance. The rate of transport of produce from
Niagara or Burlington Beach, flour per barrel, 4s. 3d. ; if insured, 4s. 5½d. ;
pork, 6s.

Sir,

Montreal, 10th March 1827.

IN wishing to follow up our custom of issuing a printed circular in the early
part of each succeeding year, taking a retrospective as well as prospective view of
our market for country produce generally, we have delayed it this year to rather a
late period, in the hope that we might receive some favourable Foreign advices, pro-
ducing such healthy and permanent changes in commercial affairs, as would enable
us to guide the country trader in his purchase of produce, and encourage him to
pay liberal prices to the farmer ; but we can yet only say, that our latest European
advices

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advices are to the 17th January, and they do not present any remarkable or decisive features whereby we can draw such favourable inferences as we could wish; but the season being now nearly at hand, when active operations in commercial business in this country commence, we deem it necessary to form as correct an opinion as our sources of information will permit, and communicate it to our friends and customers: and although it is painful to advert to the past year's transactions, which have been attended with almost one continued scene of anxiety and alarm, and in many cases serious and ruinous losses, yet we trust that the worst is over, and that we can perceive returning confidence, and safe and moderately profitable business, in prospect.

Ashes.—The very heavy export in 1825, and the limited consumption, compared to former years (owing to the deranged and distressed state of the manufacturing districts,) sufficiently accounts for the low prices and great losses sustained by shippers of ashes to England, and consequently the uncommon low prices at which ashes opened here in the spring of 1826, and continued during the whole season; and although the falling off in the make and in shipments, during the last year, was about 26,000 barrels from Canada alone, yet the stocks seem heavy on hand in England, and prices do not advance, as was by many confidently anticipated; and unless they do soon take a favourable turn and attract notice, we cannot hold out even saving prices to the maker on this side. The quantity now in this market is not one third the usual supply at this season of the year, and we think we shall be safe in saying, that the whole Canada export of 1827 will not exceed 30,000 a' 35,000 barrels, against 40,000 barrels in 1826, and about 66,000 in 1825. The duty of fifteen per cent. levied on ashes coming from the United States to Canada, although a moderate estimate is placed on them, yet amounts to \$ 7½ a' \$ 9 per ton, which is about equal to the advantages the shippers have in shipping ashes from Canada over New York; and thus in effect holds out no inducement for American ashes to come this way; but we have great hopes and good reason to believe, that this duty will soon be removed altogether, or greatly reduced, thereby giving this market a decided preference over New York, or any other United States market. The present price of potashes is 24s. a' 24s. 6d. and pearls 26s. a' 26s. 6d. and we expect by the month of May or June to see the former at 26s. a' 27s. 6d. and the latter at 28s. a' 30s.

Salted Provisions.—The great apparent inducement held out by a knowledge that, after the 5th of January 1826, salted pork and beef could not be legally imported in barrels into Canada from the United States, caused excessive exertions to get in as much as possible before that period, and the import was much too large for the demand; consequently a number of thousand barrels of the pork inspected in 1826 is yet on hand, but is in an excellent state of preservation, and although not generally so well liked for export as new pork, yet we are confident the old will command as much (or more) this year as the new would last. In the year 1825 there was a very large demand upon Canada for pork and beef to supply Newfoundland and other lower ports, but in 1826 they seemed to draw nearly all their supplies from Hamburgh, Ireland, and the United States direct; and from the best information we can obtain, we apprehend that they will this year draw a considerable part of their supplies from the two former countries, in which case the privilege of importing salted provisions from the United States to Canada, to go into bond for export to Newfoundland only, will not be worth much; and it seems a little doubtful even yet, whether the law permitting the import of salted provisions from the United States by sea, to go into bond at Quebec for export as above, extends to permit the same importation by land or inland navigation; this doubt, however, will soon be cleared up, and we hope and believe favourably. The general prices obtained last year were, for

Mess Pork - \$ 15 a' 17	} On 90 days Credit.	Mess Beef - \$ 10 a' 11
Prime Mess - \$ 13½ a' 14		Prime Mess - \$ 8 a' 8½
Prime - \$ 12 a' 12½		Prime - \$ 6½ a' 7½
Cargo - \$ 11 a' 11½		Cargo - \$ 5 a' 5½

The foregoing are about the nominal prices now for such pork and beef as can be sold for consumption of the country, or for export to any place, (and there is no other here at present,) and we have no doubt will be saleable at these rates, after shipping

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shipping arrives. Fresh pork in the carcass sells readily at 5 a' 5 $\frac{1}{2}$ cents per pound, according to quality and weight; and a good many droves of swine have been slaughtered and packed here; yet, speaking comparatively, the quantity on hand is limited, and should we have the usual or an unusual export demand, the price must advance, for the Government require large supplies for the troops and the people who are to be employed on the Rideau Canal, they having already contracted for 2,100 barrels of pork, and the same quantity of flour; the country consumption besides will also be considerable, but not so large as usual, owing to the ruin of most of the Lumber-men last year, who when successful consumed an immense quantity of pork. As our friends in Upper Canada, generally, may not understand so well the different grades of pork, and manner of putting up to meet the law of inspection here, we take the liberty to remind them, that mess pork consists of the thickest side pieces alone of the fattest and largest hogs, and even the flank or belly part should not be put in; 200 lbs. in pieces of 4 a' 6 lbs. each, should be packed in a barrel; prime mess, or one hog, admits two half heads, the snouts cut off near the eyes, two legs, (the legs cut off above the gambrel joint,) two shoulders, and the residue, to make 200 lbs. of good side pieces; prime pork admits three half heads, three legs, three shoulders, and good side pieces to make up 200 lbs.; and cargo pork admits three or four half heads, three or four legs, the same number of shoulders, and side pieces to make up 200 lbs. The barrels should be made of the best seasoned white oak, to contain thirty gallons, should be fully hooped with walnut hoops, if possible, and so neatly and well made as not to lose the pickle.

Grain, Flour and Meal.—The price of flour, generally, last year was rather low; superfine, 25 s.; fine, 22 s. 6 d.; middlings, 20 s.; and in some instances, at forced sales, for cash, 2 s. 6 d. per barrel less was submitted to; but towards the close of navigation, a very animated demand existed for a few days, and prices ran up to 30 s. for superfine; 26 s. 3 d. a' 28 s. 9 d. for fine, and 25 s. for middlings and rejected. This demand, however, abated, and entirely ceased the moment that the shipping had left the country; and ever since there has been little or no demand, the bakers having more generally supplied themselves by buying wheat, and getting it ground, which they could do at less than 25 s. for fine flour. The stock now in market is by no means large, and is held at 25 s. a' 26 s. for fine, and 27 s. 6 d. for superfine; and we look with some confidence for an extensive and animated demand as soon as the navigation opens at fair (though not high) prices. We think superfine will open at 26 s. 3 d. a' 27 s. 6 d.; fine at 25 s. a' 26 s.; middlings at 20 s. a' 21 s. 3 d. and that these prices will be maintained during April, May, and a part of the month of June; and it is not improbable that some choice brands, neatly made, and clean barrels, may occasionally command 1 s. a' 2 s. higher. It would be well if millers and country dealers in flour would be more particular in the quality and external appearance of their barrels; and it would be of the greatest importance also to the character of the flour, if storers and forwarders would be more careful about exposure to the sun and rain. As Upper Canada, from her climate and soil, is capable of growing the very best quality of wheat, and, at no distant period, ought to supply 100,000 barrels of flour annually for export, it should be considered of the utmost importance to give a first rate character to the article in Foreign Markets; this can only be done by having the best mills, with machinery complete, for taking out all the smut and other foul matter, and cooling it properly before it is packed; then the barrels should be made of the best white oak seasoned timber, and the heads fastened with lining hoops; some of the bilge and chime hoops should be nailed, then carefully handled by the storer and forwarder, and not exposed too much and too long to the sun and rain. To gentlemen in Upper Canada, who contemplate erecting flouring mills, we recommend them to see and examine one (Messrs. C. & J. M'Donald, of Gananoque) now in full and successful operation, the flour from which is not inferior to the best that ever came to this market from any quarter.

Kiln-dried corn meal will be in demand the ensuing season for export, and might possibly be an object for some of the Upper Canadians, as well as Americans, to make trial of this market. If packed in hogsheads, they should contain 800 lbs. meal; the packages should be made of the best seasoned white oak, clear of sap, and suitable for rum hogsheads, having four iron hoops besides the necessary wooden hoops; if packed in barrels, they should be of the ordinary size and shape of flour barrels, and should contain 168 lbs. meal. We think hogsheads of meal will sell at

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\$ 17 a' 20, and barrels at \$ 3½ a' 4. The duty payable on flour is 5s. sterling, and on meal 2s. 6d. sterling, on 196 lbs. when imported into Canada from the United States. From the late accounts from England, it does not appear to us that the shipments of wheat from Canada last year could have resulted in any great profit to the parties concerned, nor do we see at the present price of wheat here, 4s. 6d. a' 4s. 9d. that any great good will come by shipments the coming season, yet some are buying extensively, with shipment in view. We can form a better opinion respecting grain and flour by-and-by, after we see what alteration (if any) is made in the Corn Laws. The coarser grains, corn, rye, oats and barley, have been in fair request for the distillers and brewers; corn 3s. 4d. a' 3s. 9d.; rye, the same, for 60 lbs.; barley, 2s. 9d. a' 3s. 4d.; oats, 1s. 8d. a' 2s. 2d. The distilling business, however, seems not to have flourished latterly, owing to the rather high price of grain, and comparatively low price and dull sale of whiskey. Clean white boiling peas sell at 3s. a' 3s. 4d. per minot.

Butter, Lard, Hams, Tallow, Cheese.—Butter of the sweetest and best quality has been and now is comparatively low; 7½d. a' 9d.; old and strong, very unsaleable, at 5½d. a' 6d. Lard has been and is now in fair demand at 5d. in large and 5½d. a' 6d. in small packages. Tallow has maintained a fair price, at 6½d. a' 7½d. Cheese, 3d. a' 6d. as in quality. The best smoked hams 5d. a' 7d. per lb.; there are as many cured here as to meet the demand, and we cannot recommend their being sent from any distance to this market, as they so soon perish in hot weather.

We do not see any great encouragement that we can hold out to lumber and stave dealers; yet, as but a comparatively small quantity is preparing for market this year, it is to be hoped, that those who from necessity laid up their stocks in Quebec last fall, may realize fair prices in the spring.

Drafts on London - - - 8 a' 9 per cent premium.
New York and Boston 1 a' 2 ditto - ditto.

We annex prices of some leading articles of merchandize, as also of the imports and exports via Quebec, for the year 1826; and tendering our services, as agents and commission merchants, we remain,

Your obedient servants,

Horatio Gates & Co.

Prices Current of the following Goods.

Jamaica Spirits	-	-	4s. 0d.	a'	4s. 6d.	per gallon, according to strength.
Leeward Island ditto	-	-	3s. 3d.	a'	3s. 6d.	- - ditto - - ditto.
Cogniac Brandy	-	-	6s. 0d.	a'	6s. 6d.	- - ditto - - ditto.
Bordeaux ditto	-	-	5s. 0d.	a'	5s. 6d.	- - ditto - - ditto.
Rectified Whiskey	-	-	2s. 4d.	a'	2s. 8d.	{ of strength that will bear one gallon water to three gallons whiskey.
Musc. Sugar	-	-	50s.	a'	60s.	per cwt.
Refined Loaf ditto	-	-	0s. 11d.	a'	1s. 0d.	per lb.
Twankay Tea	-	-	3s. 0d.	a'	3s. 1d.	-
Hyson Skin	-	-	2s. 10d.	a'	2s. 11d.	-
Young Hyson	-	-	4s. 7d.	a'	4s. 9d.	-
Hyson	-	-	5s. 3d.	a'	5s. 4d.	-
Souchong	-	-	2s. 6d.	a'	3s. 3d.	-
Bohea	-	-	1s. 10d.	a'	2s. 0d.	-

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IMPORTS AND EXPORTS FOR 1826.

IMPORTS.

At Quebec.

714 Vessels, 179,949 Tons, 1,263 Men.

123	Pipes - - -	-	-	} Madeira Wine, 16,269 gallons.
50	Hhds. - - -	-	-	
23	Quarter Casks	-	-	
44	Cks. & Cas.	-	-	
257	Pipes - - -	-	-	} Port, 41,058 gallons.
78	Hhds. - - -	-	-	
54	Quarter Casks	-	-	
143	Cks. & Cas.	-	-	
231	Pipes - - -	-	-	} Teneriffe, 31,342 gallons.
140	Hhds. - - -	-	-	
296	Quarter Casks	-	-	
4	Cks. & Cas.	-	-	
17	Butts - - -	-	-	} Spanish, 116,270 gallons.
759	Pipes - - -	-	-	
354	Hhds. - - -	-	-	
289	Cks. & Cas.	-	-	
467	Pipes - - -	-	-	} Sicilian, 65,389 gallons.
196	Hhds. - - -	-	-	
9	Quarter Casks	-	-	
64	Pipes - - -	-	-	
10	Hhds. - - -	-	-	} Italian, 8,580 gallons.
1	Cask - - -	-	-	
30	Pipes - - -	-	-	
52	Hhds. - - -	-	-	
221	Cks. & Cas.	-	-	} French, 8,476 gallons.
3	Puns. - - -	-	-	
2	Kegs - - -	-	-	
251	Pipes - - -	-	-	
153	Hhds. - - -	-	-	} Brandy, 37,356 gallons.
1	Cask - - -	-	-	
192	Pipes - - -	-	-	
74	Hhds. - - -	-	-	
3,230	Puns. - - -	-	-	} Gin, 25,330 gallons.
128	Hhds. - - -	-	-	
2	Casks	-	-	
7,207	Puns. - - -	-	-	
528	Hhds. - - -	-	-	} Jamaica Rum, 350,885 gallons.
123	Casks	-	-	
7	Puns. - - -	-	-	
2	Hhds. - - -	-	-	
1	Cask - - -	-	-	} Shrub, 870 gallons.
43	Cks. & Cas.	-	-	
12	Hampers	-	-	
1,088	Cks. Molasses,	100,975.		
276	Casks Refined Sugar,	229,542 lbs.		} Cordial, 213 gallons.
3,636	Casks	-	-	
696	Bags - - -	-	-	
192	Casks	-	-	
33	Bags - - -	-	-	} Muscovado Sugar, 2,371,308 lbs.
71	Casks Leaf Tobacco,	77,601 lbs.		
66	Kegs - - -	-	-	
38	Boxes - - -	-	-	
44	Half Boxes - - -	-	-	} Coffee, 75,636 lbs.
299	Quarter Boxes	-	-	
19,952	Packs Playing Cards.			
290,783	Minots Salt.			

484 Chests

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484 Chests	-	-	-	} Hyson Tea, 32,704 lbs.
*19 Packages	-	-	-	
13,310 Chests	-	-	-	} Other Teas, 1,042,318 lbs.
3,583 Boxes	-	-	-	
*58 Packages	-	-	-	

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N. B.—Three per cent has been deducted from all the above articles, except the Playing Cards.

Value of Merchandize, paying 2 ½ per cent	-	-	£.715,836	9	8
Value of Free Goods	-	-	-	15,086	3 3
			£.730,922	12	11

Memorandum.—TEAS from CHINA :

Teas imported in 1825	-	-	-	-	15,480 chests and boxes.
Of which there appear to have been sold,					
as the duty thereon has been paid	-	-	12,651		
Remaining	-	-		2,829	
Teas imported in 1826	-	-	-	-	17,377
Of which have been sold	-	-	-	144	
Remaining	-	-	-	17,233	
Total remaining in the Agent's warehouse	-	-	-	20,062	

Of the quantity sold, there has been exported 1,014 chests and boxes.
Net Sales for Home Consumption in 1825, 1826, 1827 - - 11,781.

N. B.—A Sale will take place in May.

At New Carlisle.

(From 10th October 1825 to 10th October 1826.)

29 Vessels, 5,307 Tons, 295 Men.

138 Gallons Wine.
878 D° Brandy.
3,122 D° Rum.
3,099 D° Molasses.
2,138 Refined Sugar.
7,814 D° Muscovado Sugar.
157 D° Coffee.
54 D° Leaf Tobacco.
472 D° Manufactured Tobacco.
39 D° Teas.

N. B.—Three per cent has been deducted from the above Articles.

37,280 Bushels Salt, Duty free.

Value of Merchandize, paying 2 ½ per cent - - £.8,994. 5s. 2d. Currency.

At Gaspe.

(From 10th October 1825 to 5th July 1826.)

9 Vessels, 837 Tons, 55 Men.

107 Gallons Brandy.
868 D° Rum.
630 D° Molasses.
1,358 lbs. Muscovado Sugar.
54 lbs. Manufactured Tobacco.

N. B.—Three per cent has been deducted from the above articles.

256 Tons	} Salt, Duty free.
6,000 Bushels	

Value of Merchandize, paying 2 ½ per cent - . £.2,526. 14s. 1d. Currency.

* From London

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EXPORTS.

At Quebec.

801 Vessels, 198,848 Tons, 9,057 Men; 59 of which built this Year
17,823 Tons.

751	Masts and Bowsprits.	9	Puns.	
2,892	Spars.	10	Barrels	Hams, 6,066 lbs.
23,822	Tons } Oak Timber.		Loose	
22	Feet }	7	Barrels	Tongues, 6,717 lbs.
129,151	Tons } Pine Timber.	261	Kegs	
32	Feet }	636	lbs. dried Beef.	
2,537	Tons } Ash Timber.	1,250	lbs. fresh Beef.	
31	Feet }	7	Jars	Sausages, 1,680 lbs.
10,718	Tons } Elm Timber.	55	Kegs	
12	Feet }	29	Kegs	Tripe, 1,450 lbs.
1,420	Tons } Maple, &c.	5	Half Barrels	Mutton, 500 lbs.
17	Feet }	249	lbs. Bacon.	
1,967,934	Pieces Standard Staves and Heading.	699	Kegs	Lard, 23,817 lbs.
3,096,754	Pieces Pipe and Punch Staves and Heading.	1,933	D° Butter,	98,046 lbs.
61,191	Stave Ends.	5	Hampers	Cheese, 1,163 lbs.
742,797	Deals, 3-inch.	5	Cases	
80,225	Boards and Planks.	2,281	Casks	
50,951	Deal Ends.	254	Boxes	Codfish, 18,020 cwt.
20,317	Battens.	25	Bunds.	
4,382	Batten Ends.	242	Tierces	
38,590	Oars.	659	Barrels	Salmon.
20,049	Handspikes.	18	Kitts	
1,301	Cords, Lathwood.	550	Barrels	Mackarel.
1	Ton Timber Ends.	89	D°	Shad.
37	Cords } Oak Billets.	39	Kitts	Trout.
500	Pieces }	573	Barrels	Herrings.
38,888	Pieces Wood Hoops.	120	Boxes	
695	Puns.	1	Cask	Cod Sounds, 25 lbs.
208	Hhds.	438	Casks	
100	Barrels	88	Kegs	Oil, 21,849 gallons.
50	Q° Casks	270	Jars	
36,570	Pieces Treenails.	31	Puncheons and Loose,	Oil Cake, 205 cwt.
24	Knees.	557	Boxes	Soap, 31,674 lbs.
9	Anchor Stocks.	376	Boxes	Candles, 15,018 lbs.
150	Blocks.	230	Casks	Ale, 12,079 gallons.
221,700	Shingles.	2	Boxes	Essence Spruce.
18,371	Barrels Pearl Ashes, 65,631 cwt. 1 qr. 24 lbs.	9	Casks	
21,218	D° Pot Ashes, 90,816 cwt. 3 qrs. 19 lbs.	4	Casks	Cider, 264 gallons.
228,635	Bushels Wheat.	12	Cases	ditto, 12 dozen.
2,590	D° Barley.	1	Barrel	Peppermint, 35 gallons.
3,907	D° Oats.	10	Casks	Canada Balsam.
26,082	D° Peas.	2	Kegs	
30	D° Indian Corn.	929	Barrels	Apples.
552	D° Malt.	1	Barrel	Pears.
5,724	D° Flax Seed.	6	Puns.	
85	D° Rye.	5	Barrels	Cranberries.
33,448	Barrels - }	5	Kegs	
366	Half Barrels } Flour.	49	Packages	Trees and Plants.
35	Bags - }	3	Kegs	Honey, 277 lbs.
12,412	Cwt. Biscuit.	3	Casks	Bees-wax.
11	Barrels	1	Bag	Wool.
18	Kegs	1	Case	Bones.
2,132	Bushels Potatoes.	15	Hhds.	
48	D° Carrots.	3	Casks	Horns.
-	- Turnips.	1	Basket	
27	D° Onions.	987	Pairs	Moccasins.
9,228	Barrels - }	13	Bales	
537	Half Barrels } Pork.	9	Cases	Leather, 1,452 lbs.
5,173	Barrels - }	174	Hides.	
1,364	Half Barrels } Beef.	1	Hhd.	Leaf Tobacco.
12	Half Barrels } Rounds, &c.	49	Kegs	Plug Tobacco, 7,733 lbs.
244	Kitts - }	11	Boxes	
		2	Barrels	Cut ditto, 1,358 lbs.
		7	Barrels	Segars.

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27 Kegs - }
 90 Bladders } Snuff, 1,482 lbs.
 1 Box - }
 4 Bark Canoes.
 20 Wooden Clocks.
 12 Packages Indian Curiosities.
 5 Boxes Bark-work.
 5 Horses.
 3 Barrels } Nuts.
 4 Kegs }
 9 Boxes Maple Sugar.
 105 Stoves.
 156 Pairs Iron Hooks.

FURS AND PELTRIES.

39,619 Martin Skins.
 650 Hare ditto.
 7,510 Beaver ditto.
 940 Fisher ditto.
 6,433 Raccoon ditto.
 3,782 Bear and Cub ditto.
 1,698 Otter ditto.
 15,028 Muskrat ditto.
 4,218 Minx ditto.
 362 Lynx ditto.
 3,292 Fox ditto.
 187 Cat ditto.
 5,459 Deer ditto.
 4 Wolf ditto.
 17 Wolverine ditto.
 14 Buffaloe Robes.
 2 lbs. Bear Coating.
 2 Casks } Castorum, 382 lbs.
 1 Case }

IMPORTED GOODS EXPORTED.

5 Hhds. } Wine, 667 gallons.
 13 Qr Casks }
 6 Cases Bottled Wine.
 6 Puns. } Rum, 859 gallons.
 6 Casks }
 3 Casks Molasses, 242 gallons.
 2 Hhds. } Musc. Sugar, 1,904 lbs.
 4 Barrels }
 1 Box Coffee, 28 lbs.
 535 Chests and Boxes }
 18 Packages - - } Tea, 32,432 lbs.
 1 Qr Chest - - }
 6 Boxes Chocolate.
 28 Casks } Raisins.
 289 Boxes }
 123 Ditto Prunes.
 9 Ditto Figs.
 4 Bags Almonds.
 1 Barrel Candy.
 1 Box } Pepper.
 3 Barrels }
 2 Tierces Rice.
 2 Puns. Lime Juice.
 2 Tons Logwood.
 1 Pun. } Paint.
 233 Kegs }
 846 Bars - }
 3 Bundles } Iron.
 39 Tons - }

3 Cases Sheet Iron.
 146 Bundles Iron Hoops.
 3 Grates.
 2 Iron Pots.
 150 Sheets Copper.
 2 Boxes Axes.
 1 Cwt. Steel.
 34 Gross Bottles.
 1 Cable.
 12 Coils Cordage.
 1 Bale Cotton Wool.
 10 Bales } Canvas.
 10 Bolts }
 20,000 Bricks.
 20 Tons Coals.
 2 Barrels Pitch.
 3 Ditto Tar.
 8 Ditto Sp. Turpentine.
 10 Boxes Glass.
 5 Puns. } Broken Glass.
 1 Hhd. }
 1 Case Castor Oil.
 600 Minots Salt.
 4 Cwt. Shot.
 295 Barrels } Gunpowder.
 50 Kegs }
 158 Packages Merchandize.

From Gaspe.

(13 Vessels, 1,701 Tons, 81 Men.)

14,356 Cwt. Codfish.
 5 Barrels Eels.
 10 ditto Salmon.
 3 ditto Oil.
 20 Pieces Oak Timber.
 155 ditto Pine Timber.
 61 ditto Elm, Ash, &c.
 11 Spars.
 4,008 Pieces Staves.
 7,971 ditto Deals.
 273 ditto Deal Ends.
 8 Cords Lathwood.

From Newcastle.

(30 Vessels, 4,787 Tons, 261 Men.)

19,661 Cwt. Codfish.
 4 Barrels Salmon.
 9 ditto Shad.
 204 ditto Herrings.
 2 ditto Oil.
 12 ditto Pork.
 36 ditto Flour.
 3,899 Tons Pine Timber.
 89 ditto Birch, &c.
 125 Spars.
 318 Pieces Planks.
 2,484 Feet Boards.
 40 Oars.
 5,330 Treenails.
 2,300 Minots Salt

UPPER AND
LOWER CANADA.Appendix (F.)
No. 3.

UPPER AND
LOWER CANADA.

Appendix (F.)
No. 3.

March 15th.—Since writing the foregoing, we have received numerous letters from England and Ireland, some as late as the 1st of February; the contents, however, do not seem very important, either in a political or commercial point of view. The doubt expressed in the body of this circular, respecting the admission of salted provisions by land or inland navigation, to go into bond for export to Newfoundland, is now cleared up, and they can be admitted, and may be landed and inspected at this place, and then sent to Quebec to go into the warehouse, till sold for export to Newfoundland; but as we have before said, we fear the demand will be very limited, and prices low, compared to prices of beef and pork, which can be sold for the consumption of the country, or for export to the West Indies. We see nothing in the late accounts to alter our views respecting grain and flour; but we regret to see that ashes, instead of improving, had rather receded. We annex an extract of one of our Liverpool letters, of the 1st February; and remain yours

H. G. & Co.

Liverpool, 1st February 1827.

Ashes.—"There has scarcely been any inquiry for United States ashes during the month; and the only sales made have consisted of about 300 barrels Pot, at 27s. a' 27s. 6d. and 60 Pearl, at 28s. per cwt.; these prices would be readily accepted again: but although the stocks on the Continent appear to be small, the prices there are not yet sufficiently high, as compared with what are asked here, to hold out much inducement for shipments. Canada Ashes have met with a very limited sale of late; and although the principal holders are not pressing sellers, the prices have given way further; Pot may be quoted at 26s. Pearl at 27s. a' 27s. 6d. per cwt.; and it is difficult to realize even these rates, excepting in small retail quantities."

1827.—PRICE OF GRAIN, &c. IN PERTH.

Wheat, per 60 lbs. (cash)	-	-	-	3s.
Flour, per 196 lbs.	-	-	-	20s.
Pork, per 100 lbs.	-	-	-	22s. 6d.
Oats, per bushel	-	-	-	1s. 3d.
Barley, per ditto	-	-	-	2s. 6d.
Beef, per lb.	-	-	-	3d. to 4d.
Mutton and Veal, per lb.	-	-	-	3d. to 4d.

Friday, 6th July.

LOWER CANADA.

(G.)—No. 1.

EXTRACT of a Letter from Lord Dalhousie to Colonel Cockburn, dated
Sorrell, 17th July 1827.

LOWER CANADA.

Appendix (G.)
No. 1.

Sir,

HAVING perused the Copy of Instructions which you sent me, and the various other papers you have submitted, I have only to assure you, that whatever documents the Public Offices in Quebec can furnish shall be most readily given to you. As to myself, I do not think that I can add any farther information to what I have already said by my despatches, public and private, to Mr. W. Horton. I must therefore refer you to them as my decided opinion on the subject of Emigration.

I do not think any plan can be devised more likely to ensure success in the undertaking, or economy in the expenditure, than the system in the Military Settlements at Perth and Richmond, of which you were *yourself* the chief Superintendent.

In Lower Canada, I suggest three points for settlement and extensive survey.

1st. On Ottawa, below Hull; and that should be appropriated exclusively to Scotch Emigrants from Glasgow and the Highlands. My object is to connect that country with its valuable neighbours, the Glengarry Highlanders, situated immediately opposite on the South side of the Ottawa.

2d. About forty miles south of Quebec, to survey a line parallel with the St. Lawrence, and extending in rear of Kamouraska to the Lake Tamiscouata.

3d. In Gaspé and Bay Chaleur, at various points, one of which should start from the Indian village on Ristigouche River, as a continuation of the great line of road through New Brunswick to Mitis on St. Lawrence.

I think these are sufficient for Lower Canada; but I earnestly beg to impress upon His Majesty's Government, that no Emigrants may be sent to this Province, until surveys have been made for their reception.

The tract of country you have selected in New Brunswick, I think highly judicious.

I have, &c.

(signed) *Dalhousie.*

Col. Cockburn.

(G.)—No. 2.

LOWER CANADA.
Appendix (G.)
No. 2.

REPORT of the Surveyor General of Lower Canada.

Surveyor General's Office, Quebec, 23d July 1827.

STATEMENT of the average quantity of Waste Lands of the Crown, situate and lying South of the St. Lawrence, between the Old Seigniorial Grants and the Boundary assumed by the American Government, and extending from the Seigniori of Lauzon Eastward to Trois Pistoles, making an average superficies of about twelve Townships, of 61,600 Acres each, as projected on the accompanying Map, marked C. from No. 1 to 14 inclusive	Acres.
	739,200
From which average quantity, the two sevenths as reservations for the maintenance and support of a Protestant Clergy, and future disposition of the Crown, being deducted	211,200
Leaves of grantable Land	528,000

The one third part of which, as far as is known, may be fit for settlement ; viz. 176,000 acres, being equal to the grantable lands in four townships, and the same proportion for the reserves.

The townships marked A. B. C. D. E. F. may average five townships, equal to 308,000 acres, of which (the reserves deducted) the grantable lands are 220,000 acres, one half of which quantity, viz. 110,000 acres, may be considered fit for settlement, being equal to the grantable lands in two townships and a half.

The *Township of Cranbourne*, marked G. omitted in the above calculation, may contain about 22,000 acres fit for settlement, vacant and grantable.

Jos. Bouchette,
Surveyor General.

NOTES on the preceding Statement.

THE part of the country exhibited in the above Statement, accompanied with a Plan illustrative of the projected townships which might be laid out in the rear of the seigniories, is tolerably correct as to the quantity of acres vacant, but from that part of the country not having been explored, and the general character of the face of the country being uneven, mountainous and broken, leaves me in doubt as to the quantity that might be found fit for cultivation. I have accordingly stated it to be only 176,000 acres, and that part comprehending the Chaudiere Townships at 132,000 acres ; yet more might be found, besides proper sites for villages, and high commanding positions, in the vicinity of Lake Etchemin, in Standon and Cranbourne.

The Kenebec Road offers also a field for settlement.

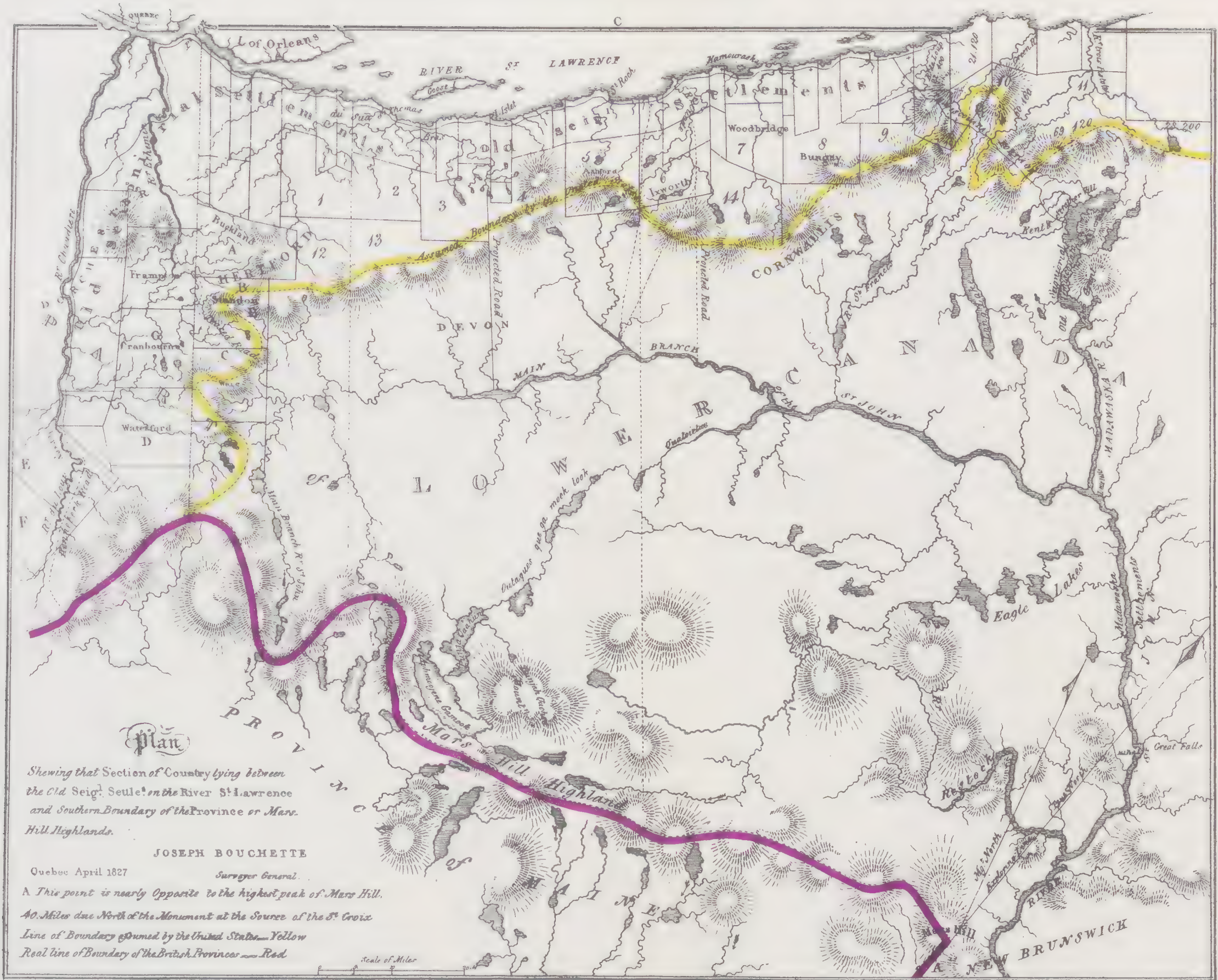
The chief object of the printed Plan and Report annexed* was to know the extent of the tract of country lying between the French Seigniories and the southern boundary of the province, and no doubt South of the inferior ridge of highlands, marked by the yellow line. The land and face of the country is highly deserving of notice, for the purpose of planting a new and large colony of Emigrants. The St. John's River is bordered by fine lands, and navigable.

P. S. Since the before-mentioned Notes were written, I find, from information and reference to the actual survey of the lands in the rear of the seigniori of Port Jolie, that the description of the land from thence Eastward to the portage of Temiscouta, is not so bad as supposed, and that its general character is as follows : chains or ridges of rocks, and here and there small hills are to be found ;

* This refers to the lithographic Plan, and Minutes of Evidence taken before a Special Committee of the House of Assembly of Lower Canada, which follow this Note.

and

EMIGRATION-1828.



and that the general surface between these hills is level and fine vallies of intervale land, and well watered by rivers and lakes; that it might be very practicable to have a range of Settlement, extending along the rear of the Seigniories from Port Jolie to River du Loup; and that about 200,000 acres at least would be found in continuation; *i. e.* in No. 4. 5, rear of No. 6, part of 7 and 14, and part of 8 and 9.

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Appendix (G.)
No. 2.

If such be correct (and the same can easily be ascertained by a small exploring survey) it would offer a very advantageous site for an Emigrant Settlement quite near the St. Lawrence, and also to numerous mills and Settlements almost extending to the rear of the Seigniories; and the consideration of this subject seems to me deserving of notice.

(signed) *Joseph Bouchette, S. G.*

MINUTES OF EVIDENCE taken before a Special Committee of the
House of Assembly of Lower Canada.

Joseph Bouchette, Esq. Surveyor General of the Province of Lower Canada, was called in and examined, as followeth.

HAVE you had any and what means of becoming acquainted with the course of the River St. John on the South shore of the Saint Lawrence, and with the quantity of the lands bordering on the same?

As His Majesty's Surveyor General on the Service of the Boundary Lines, under the fourth and fifth articles of the Treaty of Ghent, from 1816 to 1818, I had an opportunity of becoming acquainted with the course of the River St. John, and of the Lands bordering thereon, partly from my surveys and exploring operation of that part of the country lying between the source of the Sainte Croix and the Head Waters of the Ristigouche River, in 1817, and partly from other sources of information, with respect to the description of country westward, as far as the head or source of the St. John.

Be pleased to produce any maps or plans of the said River now in your possession?

Some of these are my original documents from actual survey, the others are the productions of different Surveyors, one of whom was employed by order of His Majesty's Colonial Government, under an Act of the Legislature, to explore the source of the River St. John, and the country in its vicinity, also to trace a road of communication from the last Settlements of Frampton to that River. After this service had been completed, a copy of the Plan and Report was furnished to each branch of the Provincial Legislature.

What would be the expense of compiling from these materials, or from any other source of information you possess, a map of the country, lying between the old Settlements of the South shore of the St. Lawrence, and the southern boundary of the Province, embracing consequently all the River St. John; also a second map of the same country, on a reduced scale, the latter to be printed with a lithographic press, and two hundred copies thereof furnished by you to this Committee?

Such a work can be done for the gross sum of 55 *l.* currency.

What would be the expense of an exploring survey of the country, bounded in front by the old Settlements on the South shore of the River Saint Lawrence, in the rear by the line dividing this Province from the United States of America, on the one side by the Province of New Brunswick, and on the other side by the lands lying about the head waters of the Saint John?

Previous to my answering this question, with respect to the probable expense of an exploring survey of that part of the country you describe, it is indispensably necessary to know whether it is to comprehend all that portion of territory within the limits of the boundary or line of demarcation, and maintained by and reported upon by His Britannic Majesty's Commissioner under the fifth article of the Treaty of Ghent, as the true line of boundary between this Province and the United States of America; whilst the American Commissioner, on the part of his Government, under the same article of that treaty, assumes as the boundary that which would leave

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No. 2.

very little to explore, inasmuch as his assumed line of demarcation would take in the whole of the River Saint John, its source and numerous tributary streams, and with it a large portion of British territory, composing an interesting section of this Province.

From the situation you have held as His Majesty's Surveyor General under the fifth article of the Treaty of Ghent, and from your surveying operations of 1817, relative to the fixing and establishing the boundaries between this section of the British Dominions in America and the United States, by and under Commissioners, it may, perhaps, be in your power to convey to this Committee your opinion as to the actual and true line of boundary between New Brunswick, this Province, and that section of the United States adjoining thereto, and also of the knowledge you have of the quality of soil, and general description of this extensive tract of country?

This is a subject which has of late particularly occupied public attention, and has been ably investigated in a pamphlet, published in London, intituled, "Consideration of the Claims and Conduct of the United States, respecting their North-eastern Boundary, &c." This pamphlet has evidently been framed from the highest and most authentic sources of information, and seems based on the operations of 1817, out of which, together with the subsequent exploring operations under the same article of the Treaty of Ghent, and the arguments of the agents of both nations, sprung the Report of the British Commissioners for that section of the boundary. Wherefore, in order to convey to the Committee the opinion I entertain of that part of the boundary dividing this Province from the territory of the United States, and of the quality of soil, and general description of the tract of country on which they desire information, it becomes expedient to convey the knowledge I have of the points of difference between the Commissioners, in respect to this line of boundary; and this I can only do by stating in substance certain parts of my Report, made to the Board of Commissioners in 1818, of my surveying operations of the year previous; and also of other subsequent Reports made to His Majesty's Government as far back as the early part of 1821.

SUBSTANCE of certain Parts of the REPORTS referred to in the preceding Answer.

HAVING devoted much attention on the points of difference between the Commissioners, and on the consequences attendant on the ultimate decision thereon, I cannot withhold observing, that the subject appeared to embrace a question of the first importance to the British Empire, inasmuch as on the decision that should be given upon the points now in controversy, would depend, in a great degree, the preservation and future security of His Majesty's dominions in America, and upon which the defence of these Colonies would either be weakened to an extreme degree, or so consolidated as to afford them additional strength, and to tend to their future preservation.

The line of boundary assumed on the part of the American Government is evidently inadmissible:—First, because the North-west angle of Nova Scotia cannot be established at 144 miles on a line due North from the source of the Sainte Croix, as such highlands cannot be those described and intended by the treaty of 1783, being about fifty miles to the North of the southern boundary of the then Province of Quebec.

Secondly, Because the same would embrace, within the limits of the United States, a portion of territory exceeding 6,000,000 of acres, of right appertaining to the British Empire, of which His Britannic Majesty hath uninterruptedly retained the possession since the conquest, and which, in fact, previous to the conquest, was held by the Kings of France, by whom extensive grants of land were made therefrom; and also, because it is in a manner isolating the Canadas from the sister Colonies of New Brunswick and Nova Scotia, by an intervening portion of territory susceptible of agriculture for the maintenance of a dense, and, in case of war, an hostile population, at a future period.

In

In order to convey more effectually my ideas on this subject, it may be necessary to previously enter on a short description of this immense tract of country, and of the local advantages it possesses, together with a few observations with respect to its relative situation with New Brunswick and the Province of Maine, the same tract being and forming a portion of the Province of Lower Canada.

LOWER CANADA:

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No. 2.

This portion of territory is bounded on the South by Mars Hill Range of Highlands, (so distinguished in my Report of Surveys, Maps and Sections, presented to the Commissioners in 1817,) from which all the rivers which empty their waters into the Atlantic within the limits of the United States take their source, and which also divide the waters of the River Chaudière from those of River Kennebec. It is bounded on the North and North-west by another range of highlands within this Province, and considered as less conspicuous than Mars Hill Highlands, of which it is only a branch, directing its course to the north-east, from the western extremity of a small lake, and extending along the upper part of the Chaudière, at the distance of twelve and fifteen miles to the east thereof, gradually approaching in its course the borders of the Saint Lawrence, and finally passing within ten statute miles of the said River on Témiscouata Portage; from thence winding in a more easterly direction to the point of intersection with the due north line from the source of the Sainte Croix, and thence due south 104 miles, to the point where that line intersects Mars Hill Highlands, at forty miles north of the source of the Sainte Croix, at or near the point named by His Majesty's Commissioners as the North-west Angle of Nova Scotia; which triangular tract of country so bounded exceeds (as I have already stated) 6,000,000 of acres, of which quantity about 2,500,000 may be computed to be covered by mountains and various ranges and descriptions of highlands, with intervening low lands and swamps, leaving thereby a surplus of 3,500,000 acres, which may be considered propitious and fit for agricultural purposes; besides many parts of the highlands, in progress of time, may also be found fit for similar purposes.

This tract is most abundantly watered by the River St. John and its numerous branches, the chief of which are, the Rivers Ristook, Madawaska, St. Francis, Toledo, Long Lake and the Green and Grand Rivers, besides many other tributary streams and about forty lakes, which together, upon an average computation, may be said to cover a surface of about 130,000 acres, the most conspicuous of which lakes, are those that form the sources of the River St. John and of the River Madawaska.

The main branch of the St. John deserves particular notice, in consideration of its great extent, and on account of the various advantages it offers in an agricultural and military point of view. The river runs nearly in a parallel direction with the St. Lawrence to its confluence with the Madawaska, and at some places is only from twelve to fourteen leagues therefrom, and about twenty-two to twenty-five from Quebec; it traverses the middle of this portion of territory, on a south-westerly course, from its junction with the Madawaska to its source, a distance of about 132 miles, which is said to be navigable for boats, offering thereby an interesting field for a new line of settlement of at least thirty-six townships, in connection with the most flourishing and inhabited parts of this Province, and presents, at no very distant period, a new and shorter line of communication to New Brunswick, by near sixty miles, on which route, if I am correctly informed, in respect to the general quality of the lands along and in the vicinity of that river, most prosperous settlements could be made.

(G.)—No. 3.

LOWER CANADA.

Appendix (G.)
No. 3.NOTE on the Communication between Mitis and the River Ristigouche,
a distance of about Eighty-five Miles.

Quebec, 23d July 1827.

THE front of the Seigniory of Mitis is already settled, and there are some tolerable good farms to be seen. Mr. M'Nider has erected mills and stores, and is now building dwelling-houses, intended for the reception of travellers. He has built a schooner to ply from thence to Quebec; and one or two square-rigged vessels have been also built at that place. The road is perfectly practicable all the way down from Quebec for carts or calashes; and settlements all the way.

The projected road, traced of late at Mr. M'Nider's expense, from Mitis to Lake Matapediack, takes an easterly course, and winds here and there until it arrives at the Lake. The land, except immediately passing the highlands, is reported generally level and fit for cultivation, and requiring very few bridges or causeways; the distance is twenty-seven miles from the St. Lawrence to the Lake. The lands are high in some parts round the Lake and the borders of the River Matapediack, but it is said that the generality of the face of the country, soil and timber is good, and fit for settlement; and the proprietor of the Seigniory of one league round the Lake, means to do something towards effecting a Settlement thereon. More than eight townships might be laid out on that communication; at least, the front of townships might be marked in laying out the road, which is only indifferently traced by travellers, and latterly marked by a party of men employed by Mr. M'Nider, Seigneur of *Mitis*. This is all the information I can give of that part of the country at present.

In performing an official tour through the Province for statistical information, I shall make it a duty to ascertain not only all that relates to this route, but also as respects the quality of land in the rear of the Seigniories on the south side of the St. Lawrence. I intend commencing my tour at *Mitis*, and will leave town the latter end of this week, for two or three months.

It will afford me much pleasure to convey every information to Colonel Cockburn which will appear to me acceptable to him, and useful to His Majesty's Government.

(signed) *Joseph Bouchette*,
Surveyor General.

G N° 3

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MISCELLANEOUS.

(H.)—No. 1.

EXTRACT from Lieutenant Colonel Cockburn's General Remark Book.

On the Road from Fredericton to the Miramichi River.

MISCELLANEOUS

Appendix (H.)
No. 1.

Tuesday, 24th April.

Young informed me that wheat sown in June was sufficiently early for a crop. His son, a boy nine years old, does the work of a man. Has known Emigrants who had never previously touched an axe, become first-rate choppers in three months.

From *Mr. Boice*, who resides at the place where the Portage from Fredericton and the Nashwauk River strikes the south-west branch of the Miramichi River; this place is sixty-eight miles above Chatham. Mr. Boice has made an extensive clearing; has a saw and grist mill, trip hammer, blacksmith's forge, and several other buildings; states that the land up the South-west and westerly then from above the Portage, is of a superior quality. The land between the South-west and North-west, about the heads of Renons, Dungarven, and Big Hole Brook, is poor land, timbered with pine, spruce and fir. The Renons abounds with good intervalle.

He will transport Settlers from Newcastle to his place for 10*s.* each, allowing 50*lbs.* of baggage and two children to each person. This will amount to about 20*s.* currency, or 18*s.* sterling, per family. He will make axes for 7*s.* each, (6*s.* 3*d.* sterling,) and hoes, agreeably to a pattern, for 3*s.* each (2*s.* 8½*d.* sterling), if heavier, the price in proportion.

The south-west branch of Miramichi River is navigated by canoes and scows. A scow, towed by two horses and conducted by two men, will carry from six to ten tons from Newcastle to the Portage in four days.

Boice states the land above the Portage and west of the South-west to be a continued tract of excellent land, as far as it has been explored by himself and neighbours; and in a south-westerly direction they have explored to the Cardigan Settlement, north of Fredericton. He states the land east of the South-west, about the heads of Big Hole and Porter's Brooks, and the Renons, Dungarven, and Bartholomew Rivers, to be, generally speaking, pine, fir and spruce ridges and barrens, and consequently of a description unfit for settlement. He thinks the land east of the South-west, fifteen or twenty miles above the Portage, is mostly a good hard wood tract: the Renons River abounds with good intervalle, which is first quality land.

25th April 1827.

Fowler, on the South-west, thirty-three miles below Boice's, states the land between his place and the Little South-west to be generally of good quality, although interspersed with pine and spruce barrens. He has followed this tract up about twenty miles, travelling through the country in every direction, and the above description will hold good for that distance. He has explored the branches of Cain's or Etienne River, for about twelve or fifteen miles from its mouth in every direction, and found it to consist generally of pine, spruce and fir swamps and barrens. Fine tracts of intervalle are met with on Cain's River; and twenty or thirty miles up the upland is reported to be good.

Henderson, at Thomas Smith's about nine miles above Newcastle, states the land up Barnaby's River to be generally of an excellent quality; between two branches
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MISCELLANEOUS.

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No. 1.

of the river he met with 6 or 8,000 acres of hard wood land, without any poor land intervening. This tract commences about three miles up Barnaby's River, or twelve miles from Newcastle.

Chatham, 26th April 1827.

Mr. Justice Williston states, that in the vicinity of Bay Duvin River (properly Bay des Vents), a tract of good land extends about twenty miles in length, and varies in breadth from two to five miles, being a hard wood ridge.

Mr. Joplin, Road Commissioner, states the distance from Chatham to Richibucto, by the new line of road, to be about forty miles. In this distance the land varies alternately from hard wood ridges to swamps and barrens. About one half the land on the road is of a good quality.

Approaching Cape Escaminac, the land is generally of a very inferior description, and many naked barrens are met with. The good land in rear of the road is met with in greater abundance. The hard wood ridges are more extensive and more numerous. The land between St. Nicholas River (Richibucto) and Chebuctouche is a continued ridge of fine hard wood.

Mr. Young (Robert) states, that the intended road from opposite Middle Island below Chatham to Nipisiguit, is about forty-four miles in length. He has travelled the first twenty-five or twenty-six miles, and considers the land to be of a very good quality; if lots were laid off, at least four fifths would prove fit for settlement. From his own observations, and from information furnished him by his brother at Pockshaw, he thinks that no part of the Province presents greater advantages to a new Settler than the tract between Miramichi River and Nipisiguit. His brother generally begins ploughing about the twenty-fifth of April; puts in his grain crop during the month of May (he thinks that it will not ripen if sowed in June); commences reaping in August, varying, according to the season, from the first to the last of that month. The first frosts generally happen in October, and are very seldom known to injure the crops, unless sowed too late. The lumber trade interferes with the seed-time of many of the farmers; their grain is not in the ground until late, and, in consequence, sometimes suffers by the frost. The greatest inconvenience arising from the length of the winters, is the quantity of fodder required for their stock. The time can be employed to advantage in clearing land, procuring rails for fencing, and wood for fuel.

In April 1826 he commenced clearing a new farm; employed Irishmen new to the country, paying 2s. 6d. per day, and provisions; he completed burning in July, and had twenty-eight acres and a quarter fit for a crop. The land on which the timber was burned in May, he sowed with wheat and oats; on that burnt in June, he sowed oats, intending to cut them green for fodder; and on that burnt in July, he sowed turnips and planted potatoes. He procured nine barrels of flour, reserving two barrels of wheat for seed, (a barrel contains 196 lbs.); only ten bushels of the oats ripened; he cut eight or nine tons of excellent fodder, thirty barrels of turnips, eighty of potatoes, and eight of barley; he reckons the above a very light crop, but the season was more unfavourable than usual.

*At Mr. Richard M'Lauchlan's, on the North-west Branch of the
Miramichi River.*

28th April 1827.

Mr. M'Lauchlan states, that an excellent tract of land commences at Big Hole, on the east side of the north-west branch of Miramichi River, extends back several miles easterly, up to within four miles of Portage River; approaches the Nipisiguit about three miles below Gordon's Brook, and extends down the Nipisiguit. He has explored the tract in quest of timber, without success.

Portage River is about thirteen miles above Big Hole, and the latter thirteen above ship navigation. Gordon's Brook is about eleven miles above Nipisiguit Harbour, which affords an excellent fishery.

Between

Between the upper part of the North-west and the Little South-west a great proportion of the land is of good quality. MISCELLANEOUS.

Appendix (H.)
No. 1.

Mr. McLauchlan resides about 100 rods below the mouth of the Little South-west; has about 300 acres of cleared land around his house. When he settled on the land, about eight years since, the clearing comprised about thirty acres; he has personally superintended the clearing of the residue. He raised 4,000 bushels of potatoes last year on his home farm, and 600 on a farm he owns above the Big Hole. His extensive lumbering concerns have induced him to turn his attention principally to grass and green oats for fodder.

Chatham.

Mr. Deputy Surveyor Jouett states the land for about twelve miles up the Little South-west to be of very good quality. Crossing to the Renons at the termination of that distance, he travelled through poor land, the principal growth a small red pine; the borders of Renons abound with good intervale; the upland on the South-west side is very good for about a mile and three quarters back, and thence the country is interspersed with barrens.

Mr. Jouett considers the best land he has seen in Miramichi, to be of the same description and equally productive with the best land in the grain districts in York County; he has taken particular notice of the seasons in Miramichi and at Fredericton, and can perceive no difference in any respect; he has also resided at St. Andrew's and St. John, and considers the winters to be milder and shorter in those places, but the climate not more favourable to ripening grain. He considers the length and severity of the winters, and the extreme shortness of the summers, as unfavourable to extensive farming.

Mr. Graham states the land between Chatham and Richibucto to consist generally of hard wood ridges, intermixed with cedar swamps; about half of the land is fit for settlement; that the land in the upper part of Buctouche, and from thence across to Richibucto, is excellent. He has travelled the new road from Buctouche to the Bend, and found the land to be mostly good; the distance is about twenty-two miles.

Andrew Hudson and George Brooks, on the St. Nicholas River, have most excellent farms; and the former raised 300 bushels of wheat; has only been settled four or five years; reports generally as to the superiority of the land in the rear.

Mr. James Davidson, Surveyor, states that there is an extensive tract of good land between Tracadie and Poemouche; good from Bartibog to Tabusintac along the east side of the road; not so good from thence to Bathurst.

Mungo Murray has not travelled much from the banks of the various streams from Miramiehi to Bathurst, but can say, generally, that on their banks to the east of the Truro Road, to within a mile or two of the Streams, are fit for settlement.

Mr. Peter Henderson, Chatham, to Richibucto and the Bend, considers the land from Gaspereau River across the Etienne River, and thence to Richibucto, the best land for settlement in this Province. From the Bend to Bai des Vents back, all good land in a straight line; also all to the Great Lake and Etienne River. All the place coloured green, from Sussex Vale to Gaspereau, round by Barnaby's River, to Bai des Vents, and round to the Bend, fine land. By the information from Mr. Henderson, there is a very high hill near the valley, from whence the features of the surrounding country can be seen.

(H).—No. 2.

MISCELLANEOUS.

Appendix (H.)
No. 2.

EXTRACT from Lieutenant Colonel Cockburn's General Remark Book, dated at Newcastle, Miramichi, 28th April 1827, containing some Information obtained from a respectable old Resident in that District.

TEN bushels of seed potatoes per acre—Increase, twenty-five or thirty for one.

One bushel and a half wheat to land newly cleared, with stumps, gives increase from fifteen to twenty.

Three bushels of oats per acre new land, ten to fifteen increase.

One peck Indian corn to an acre—Increase, thirty bushels from one peck.

(H.)—No. 3.

Appendix (H.)
No. 3.

EXTRACT from Lieutenant Colonel Cockburn's General Remark Book.

Richibucto.

6th May 1827.

R. Jardine states that the land about the upper part of Richibucto is generally very poor; that the best tract of land he has met with is between Molus River and Bass River, about twelve miles above the harbour at Richibucto; that he has traversed twelve miles without arriving at the termination of the ridge, which he is confident comprises 60,000 acres.

By this statement, and that of every other person acquainted with the country, the land about St. Nicholas and Buctouche Rivers is excellent in quality for many miles around.

Price of clearing land, ten to eleven dollars. Price of labour in currency of Halifax, at 5s. for each dollar, per month, 55s.; per week, 17s.; per day, 7s. 6d.; per year, 35l. and provisions.

Average passage from the United Kingdom to the Harbour of Richibucto: spring, thirty to thirty-five days; summer, thirty-five to forty-two days; fall, forty-two to forty-nine days.

Time of the Harbour of Richibucto freezing up, 10th to 20th December; opening, 10th to 25th April.

Depth over the bar, eighteen feet high water; high water neap tide, fifteen feet; low water neap tide, eleven to twelve feet.

From the mouth of the Richibucto the river is navigable for loaded ships of 300 tons, for ten miles, and for large schooners for twenty miles, and for scows thirty miles.

Price of timber at Richibucto, five to seven per cent lower than at Miramichi.

Number of ships here last year, eighty-two.

Probable price of transport for a family of five persons and baggage, say 500 weight, to the highest point to which the river is navigable for scows, 3l. currency per family.

Price of opening the road fourteen feet wide, and turnpiking and clearing one rod on each side, 100l. currency per mile.

Saw mill, driving one saw, 450l.

Saw mill, driving two saws, 600l.

(H.)—No. 4.

INFORMATION received by Colonel Cockburn, at the Bend of Peticoudiac River.

16th May 1827.

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No. 4.

Jean Gould, born in this Province, taught by his father to go into the Woods like an Indian, has been all over the country; recommends the parishes of Hillsborough and Salisbury, as containing the most extensive and uninterrupted tract of land in the country. Knows of no other so extensive or so fine. Considers it to embrace an extent of vacant Crown lands, forty miles by thirty wide.

Gould has been engaged all his life in hunting; kills bears, foxes, and martins. He has also travelled Nova Scotia, and can steer for Quebec through the Woods. He knows every river, creek and brook throughout the country, and the position of the hills and valleys; persists that there are no Carriboo Plains in the Hillsborough District, and few pine trees or swamps, but that the land is really good, in an immense unbroken body.

17th May 1827.

Ezra Styles says, he considers that the greatest extent of excellent land, with the fewest interruptions to its goodness, lies between Shepody and the rivers falling into Peticoudiac above the Bend; thinks there may be enough to settle 2,000 families at 100 acres for each; there are numerous mill seats, and plenty of coal. Mr. Wilmot says, limestone is found in abundance. Grindstones cost 2s. 6d. each; says, buck wheat for seed costs 3s. 6d. a bushel; is liable to be injured by frost; yields from thirty-five to sixty-five to one. Mr. Wilmot says, "give him land that he can get the water off, and he can make a farm." On the high lands the frosts have less effect, and the mild season is longer.

(H.)—No. 5.

INFORMATION received by Colonel Cockburn, at Sidney, from Captain Crawley, Surveyor General of Cape Breton.

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No. 5.

Portage.

Sidney, 5th June 1827.

Currie, a good intelligent man, distance fourteen miles from Sidney.

Thomas, an Indian, well acquainted with the country, and residing near Currie's and the Priest.

Rev. Mr. M'Leod, Catholic Priest, residing near Currie's.

Escasonie, Indian village, North-west side, at which lives an Indian (Noel, or Christmas), a very intelligent man, and in possession of a good farm well stocked.

The settlers along the road generally capable of giving information.

Mr. M'Nab, Deputy Surveyor at Barrois des Huitres, intelligent and well qualified to give positive information as to his own District, which is extensive, and general information respecting the Province. The Surveyor General would strongly recommend Mr. M'Nab as well qualified to obtain information respecting the quality of lands, should Government hereafter employ persons for that purpose.

Mr. Kavanagh, at St. Peter's, has also much information.

At Arichat lives *Mr. Luce*, an excellent Surveyor, and in possession of much positive information respecting his District. The Surveyor General would recommend this gentleman in the same strong terms, and with the same confidence, as Mr. M'Nab. These two gentlemen, and a *Mr. Giles* at Port Hood, are the three persons

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No. 5.

persons whom the Surveyor General would select as most competent to obtain information, and in whose conduct and reports the most confidence might be placed.

The Surveyor General is further of opinion, that for the sum of 150*l.* currency, good information of a general description, and far better than any at present to be had, respecting the quality of soil of the vacant lands throughout the Province might be obtained.

The Surveyor General is of opinion that, generally speaking, there would be very few, if any, of the grants of land in this island liable to escheat, some improvements having been made and continuing to be made on almost, if not entirely, the whole of them.

(H.)—No. 6.

Appendix (H.)
No. 6.

REPORT of Mr. J. Beckwith to Lieutenant Colonel Cockburn, relative to part of New Brunswick.

Monday, 7th May 1827.—Left Dixon's at half-past eleven A.M. in a boat, accompanied by Mr. Jouett and four men, and proceeded to Little's, within about one mile of the head of the tide, which flows about twenty miles above the harbour's mouth. We were obliged to contend all day with a heavy wind from the westward.

Dixon lives on the south side of Richibucto River, about one mile above its discharge into the sea. The principal part of the shipping load in the immediate vicinity, which is properly Richibucto Harbour; around the borders of which are scattered the houses, stores, offices, &c. of the inhabitants, the greater proportion on the north side; the land low, sandy and unfit for agricultural purposes. The principal timber shippers, Messrs. R. & J. Jardine, reside on the south side, about one mile above the harbour, and their situation presents apparently the greatest advantages for a town of any spot in the vicinity, combining bold water, facility of crossing at all times, banks of a moderate height, and level table land.

St. Nicholas' River is about six miles above the harbour's entrance. No square-rigged vessels approach nearer than three miles to it. There is sufficient water in the channel, but the navigation is said to be intricate and interrupted by oyster beds. The point between the St. Nicholas River and Richibucto River, at present in a wilderness state, is reserved for a town site, and appears well adapted for the purpose, should the navigation prove safe. Above the St. Nicholas the quality of the land improves, and the Settlers are more scattered. The river holds its width of from 500 yards to half a mile, as high as Middle Island, about eight miles above the St. Nicholas; thence from 300 to 400 yards to the Coal Branch, four miles higher, to which place the river is navigable for schooners. It abounds with tracts of excellent land, generally rising with a gradual slope from the water's edge. The banks are in some places abrupt, but not lofty.

Little has resided here nine years; without any son to assist him, he has nearly fifty acres of excellent land cleared.

Tuesday 8th.—Parted with Jouett in the morning, who proceeded northerly on a hay road leading to the head of Bass River; followed a path to the Upper Settlement, consisting of three families, and situate about one mile above the head of the tide. The river is here about thirty yards wide; the land in its vicinity consists of a reddish loam and sand; sub-soil, clay; mixt timber, a good proportion of hard wood. Pine has been settled here six years; has between thirty and forty acres of land cleared; is about forty years of age; has nine children; the eldest son, aged twelve, assists him materially in clearing the land; has currants and vegetables in abundance; young apple trees very thrifty; raised forty bushels of millet on one acre and a quarter of land the last season, with a few pints of seed; he thinks
millet

millet will ripen if sowed by the 10th July, and makes better bread than rye; he considers the land in rear to be better than the land in front in his neighbourhood; and states, that a tract of excellent land extends up Hudson's Brook (a few miles above this place.) He considers his land to be of a better quality than the land below the St. Nicholas.

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Intending to take the Woods at Pine's, and the day proving rainy, I did not leave his place for the day. In the afternoon, Mr. M'Lauchlan arrived, and after a short stay returned down the River.

Wednesday 9th.—Left Pine's at a quarter past six A.M.; proceeded westerly, through hard wood and hemlock land, and a small swale of cedar; quarter past seven crossed Hudson's Brook, near an old clearing grown up to bushes; thence, quarter of an hour, good hard wood land, soil a yellow loam; thence, until twelve o'clock, through spruce and fir land to a timber road, which we followed in north-easterly about one mile to Richibucto River; thence skirted the River to the Portage leading to Salmon River, being near the head of canoe navigation on the Richibucto River, which is there about fifteen to twenty yards wide, the current strong, but interrupted by rock, and sufficient intervals at the entrance to the Portage of one good farm, but no tillageable upland to within half a mile of Hudson's Brook; and I am informed that the River affords very few skirtings of intervals in that distance. From Pine's to the Portage, about nine miles, and the distance across the Portage 220 chains (two miles and three quarters,) low spruce and fir land, with a few ridges of spruce, white birch and small Norway pine; light sandy soil.

Proceeded along shore about half a mile; thence struck back across Burnet Land, about west-south-west, at three quarters of a mile; intersected an old hay road, which we followed, the course west-north-west, about two miles through Burnet Land, (sandy soil;) thence from west to north-west spruce and fir land for two miles; thence excellent land timbered with maple, yellow birch and hemlock, half a mile; explored west-south-westerly, and found hemlock land, with a mixture of hard wood, and interspersed with wild meadows, extending by all appearances to Salmon River; thence travelled about one mile through hemlock land, interspersed with wild meadows; and thence about three miles, crossing several small wild meadows and branches of Richibucto River, to a lumber camp near its head. This distance consisted of spruce, fir and pine swamps and barrens.

Thursday 10th.—Followed a lumber road from the Richibucto to the Little Fork Stream (a branch of Salmon River,) distance about two miles and a half, west-north-west. The first two thirds of the distance principally barrens, wild meadows and swamps, the residue white and yellow birch, hemlock, pine, and some scattering maples, (tillageable land, but not of the best quality;) traced the brook up for nearly two miles, and nearly the same distance down, found the same description of land, the brook about forty feet wide at crossing place (probably sixteen to twenty in summer,) course toward Salmon River about South 25° West.

Proceeded north-west by about one mile, same description of land; thence half a mile, pine, hemlock and spruce; the land then falls; travelled a few rods through a spruce and cedar thicket; thence about three miles through a fine ridge of maple, birch, hemlock, spruce, and a few scattering pines: the ridge appeared to extend a great distance south-westerly, and for a considerable distance to the northward, but south-easterly and north-easterly falls into plains and barrens, with spruce and small red pine ridges.

Crossed a branch of the Big Fork Stream, skirted with alders, and the banks studded with pines; the stream forty feet wide; from the appearance of the channel, about sixteen feet wide in summer; course South 60° West; thence, between two and three miles, a continuation of the same hard wood ridge, being an excellent loamy soil, easily cleared, and rather inclined to be stony: this ridge, I have no doubt, extends to Salmon River and when settled, roads might be opened to greater advantage from that quarter than from Richibucto. Thence, still westerly, about one mile, to the Big Fork Stream; the current rapid, channel deep, and about fifteen or sixteen feet wide in summer. Thence, proceeded westerly through a continuation of naked barrens, skirted with small spruces, beaver ponds, wild meadows, and spruce and red pine ridges, (occasionally intermixed with a few white birches,) until Saturday at three o'clock, P. M. when we entered a pine ridge; at four o'clock, intersected

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No. 6.

intersected a lumber road, which we followed south-westerly about one mile and a half to the banks of the Gaspereau, which we found to be about fifty yards wide, and very rapid, but not deep; the course about south-south-east. Followed the stream up north-west by about one mile; spruce, fir, pine, white birch, and white maple, composed the principal part of the wood; the soil sandy. The continued snow, sleet, and rain, for the last two days, with the very heavy travelling in the barrens (ankle deep in moss, and near knee deep in water,) rendering our progress slow and tedious. We crossed but one stream of any magnitude, which we judged to be a principal branch of Sabbie's River, falling into the Etienne or Kain's River. On Friday we travelled across a tolerably good ridge of hard wood land, about half a mile in breadth, which extended apparently for a great distance to the southward, but to the northward fell almost immediately into a barren.

On Sunday morning, the trees covered with snow, travelled northerly about one mile and a half; thence north-west about two miles, crossed a deep brook running north-east through wild meadows and alder land; thence bore west, and, after proceeding a few rods, crossed a path running north and south (the Portage from Gaspereau to Etienne River,) the last three miles through red pine and spruce ridges intermixed with barrens; thence about seven miles spruce and pine burnt land, excepting the borders of the different brooks we crossed, which had partially escaped the ravages of the fire; fell in with a lumber camp, from which timber had been hauled into Etienne River; and at the same time perceived a hard wood ridge to the southward, which I proceeded to explore, and found a continuation of hard wood ridges (principally beech land,) and pine and spruce groves, all burnt over, apparently one or two years since; the soil, sand and loam, very light: returned to the camp.

Monday 14th.—Course south 70° west, from five until eight o'clock, through burnt spruce and pine land; a few strips of beech land, and one cedar swamp in that distance, being about four and a half to five miles; thence one mile and a half, birch, beech, spruce, hemlock and pine, partially burnt, light sandy soil. By climbing, found that the ridge extended several miles to the southward. Thence about three miles through old burnt land, grown up with cherry trees; a great proportion of the burnt trees had blown up, which rendered it very difficult to force our way forward. Thence until night, spruce, fir and pine land; about four o'clock, *p. m.* fell in with a small lake, which we suppose to be the head of the Gaspereau.

Tuesday 15th.—General course, south 70° west, from six to eight; same description of land as yesterday afternoon; eight until ten, good land, extending north and south for a great distance, timbered with maple, birch, beech, spruce, fir, pine and hemlock; thence to Little River, which we reached at ten o'clock, old burnt land soft wood, intermixed with cedar swamps; thence until half-past three, burnt land for the first half of the time, and pine and spruce land for the residue; thence about one mile and a half excellent ridge of hard wood, a barren to the southward, beyond which hard wood appears in the distance; exploring to the northward found a continuation of the same ridge, which is too much inclined to stone. After leaving the ridge, proceeded about half a mile through spruce and fir land to an extensive barren; proceeding half a mile southerly, again fell in with the hard wood ridge, extending south-west: returned half a mile northerly, and encamped.

Wednesday 16th.—In order to avoid the barren in front, proceeded north-west about one mile and a half; thence west one mile, pine and spruce land; thence mixt land, about one mile; when we intersected a lumber road, south 60° west, and an extensive barren to the westward. Following the road found its general course to vary from west to north 70° west, mixt land, a great proportion, birch, beech and maple, somewhat stony, but good tillageable land, capable of making a good Settlement. After proceeding about five or six miles, struck the Nashwack, about sixteen miles above Fredericton, at which place we arrived at six o'clock, *p. m.*

The general opinion I have formed is, that the country around the Fork Streams, thence extending towards Salmon River, and the country approaching the Nashwack, extending towards the Peniack, present advantages for forming Settlements on an extensive scale. The other hard wood tracts are of so small an extent, or so difficult of access, as to render them ineligible for many years to come.

Fredericton, 21st May 1827.

(signed) John Beckwith.

(H.)—No. 7.

REPORT of the Route from the Bend of the Peticoudiac River to Fredericton, as explored by Martin Chapman, in October 1820, and furnished to Colonel Cockburn by Mr. Justice Botsford.

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11th.—Left the Bend River north 40° west, five miles, to the Mountain Settlement (as so called), a road being passable that far, land being good and level; then north 88° west, two miles and a half; thence north 55° west, one mile and a quarter; thence north $67\frac{1}{2}^{\circ}$ west, one mile and a quarter, all good land; then cross the north branch of the Peticoudiac; thence north 88° west, two miles, all level land, sandy soil, small growth of timber, maple and birch; continued this course; at the eleventh mile found a large swamp; land being dry to this and to the thirteenth mile, where we crossed a carraboo plain (small); then spruce land, to a large meadow, about twenty acres clear, good crop of grass, and a little further came to another hard meadow, a little larger, with an excellent stream of water leading through it; continued this course to the twentieth mile, tolerable land, sandy dry soil; thence north 55° west, one mile and a half, when we crossed the Washadamoack to this; generally pitch, pine timber, and very dry soil; river 150 links wide. In order to avoid an extensive carraboo plain, continued down the river seven miles, general course about west; good settlement and good road to Charles Lewis. From thence north-west, one mile, when we crossed a fine stream fifty links wide; continued this course six miles further, through excellent hard wood land most of the way, to a fine brook; continued same course one mile and a quarter; crossed a fine stream running south-west, good land, except two very small carraboo plains; continued this course until we crossed Cole Creek (as so called) at the forty-second mile; thence north 65° west, generally good land, and very level to the forty-sixth mile, to a fine brook; continued same course till we came to the Salmon River, being fifty-one miles and a half; all this way good level land, as did the face of the forest appear all around as far as the eye could extend. The Salmon River appeared to have a general course north 55° east up the stream, proceeding up two miles to the mouth of the Gaspereau, where was a good saw mill, and a good two-story house, with blacksmith's shop, &c. &c. Continued this course north 65° west, two miles; thence west, and at sixty miles and a quarter a very deep brook, with a fine stream; all this way good land to the sixty-third mile; from the fifty-eighth to the sixty-first mile is an excellent grove of hard wood land, no stones visible, but a remarkable deep and easy soil of a brown cast; kept this course to the seventieth mile, with many dry heaths and barrens; thence groves of pine, occasionally hatmatack swamps, and wet, till we came seventy-five miles and a half, when we crossed (as we supposed) the little river which empties into French Lake; thence west, two miles, to a fine brook; thence south 65° west, to seventy-eight miles and three quarters, to a deep brook and good land, two streams of water; to eighty-one miles and three quarters, through groves of pine, with heaths; thence south 45° west to the eighty-second mile, a fine stream running about south, good land; the eighty-fourth and eighty-fifth miles very high hard wood land; the eighty-seventh mile principally hemlock, very rocky, and many hills and deep vaults; three quarters of the eighty-eighth mile is excellent level beech land, easy soil; low land to the ninetieth mile, but not soft; at the ninety-first mile, deep brook, each side the hills are stony; thence west, to the ninety-third mile, descended a hill to a brook, where is some fine intervale land; struck across, and continued our course along this stream some distance, and thence a little southward across some high land to the Nashwack, to Henry White's, on the south side, being ninety-five miles from the Peticoudiac Mountain Settlement, and one hundred from the bend.

(signed) *M. Chapman.*

N. B.—As I went down the Washadamoack, the land appeared (and I was informed was) better to go from Lewis's to the Butternut Ridge.

Dorchester, January 1823.

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No. 8.

INFORMATION received by Lieutenant Colonel Cockburn, from a highly respectable and intelligent Resident in Quebec, who has devoted great attention to the subject of Emigration.

THERE are four tracts of country in the Canadas, entitled to be particularly considered in reference to the inquiry of Emigration. The first is the tract of country around Lake St. John, and the head waters of the River Saguenay. The second is the country lying between the rear lines of the old Seigniories, on the south shore of the River St. Lawrence, and the line dividing the Province from the District of Maine (United States). The third is the tract of country lying on either side of the Canal connecting the Ottawa with Lake Ontario at Kingston. The fourth is the country lying on the North shore of the St. Lawrence, in the rear of the existing Settlements.

The first of these tracts comprises an extent of about 6,000,000 of cultivable acres of land, in a country better watered than any country on the face of the globe. Protected as this country is by a range of mountains to the north-eastward, the climate is milder than at Quebec. Melons grow there in the open air.

This country seems to be a most important one in a military point of view. The River Saguenay is navigable for a ship of the line of the largest size, for twenty-seven leagues. Its precipitous capes render it of easy defence against any maritime force, however powerful. The fleet upon the Halifax station affords it a complete defence. The great Valley of Lake St. John could not be attacked by land; no enemy could march over the mountains by which it is on every side surrounded.

The port of Tadoussac, at the mouth of the Saguenay, is open a fortnight or three weeks earlier than that of Quebec, and closes as much later. The dangers of the navigation of the River St. Lawrence are saved; it commands, as much as Quebec does, the sortie of the Great Lakes, and is in more immediate connection with the Gulf, its fisheries, and the provinces of New Brunswick and Nova Scotia. In the rear it commands the whole of the Hudson's Bay territory, and it is principally in connection with the Canal and line of communication in the rear of the St. Lawrence, intended to be effected by that great work, that this Valley is of importance. It has already been seen that a more immediate connection with the ocean can be kept up from Tadoussac than from Quebec; and such are the astonishing facilities of internal water communication afforded by the streams emptying themselves into Lake St. John, that there is no portion of Lower or Upper Canada to the successful defence or attack of which the possession of that Lake might not be conducive.

From Lake St. John, a water communication, with *portages*, may be had through Lake Mistassinis and Rupert's River, with James' Bay. A like one may be had with the St. Lawrence, through the Batiscan River; and another through the River St. Maurice, or the Black River.

A water communication with the Ottawa or Great River is also had through various streams and lakes emptying themselves into the Lake St. John and the Saguenay, until the sources of the Gatineau are reached, which is navigable for canoes, a distance of 300 miles, and empties itself into the River Ottawa, nearly opposite the mouth of the Kingston and Ottawa Canal.

This territory is now in the possession of a lessee, who pays for it 1,200*l.* a year; there remain about fourteen years of his lease unexpired; but it is presumed that a surrender might be obtained from him upon easy terms.

The second tract of country contains also about 6,000,000 of cultivable acres; it possesses great advantages for settlements; but until the claim of the United States to a large portion of it is disposed of, it does not seem to be likely that any Settlements will be made upon it.

The

The third tract of country lying upon the Kingston and Ottawa Canal is a most valuable tract of land, under a very mild climate, and admirably fitted in every respect for locating Emigrants.

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The fourth tract of country, there is every reason to believe, contains a large quantity of good land; but little is known of it except from the Indians and hunters. The whole of this tract remains to be explored.

There is reason to believe that the whole of the interior of this country was explored and surveyed by scientific men in the French time, and that the plans were returned, and deposited in the *Bureau de la Marine* at Paris. If the records of this public office were not destroyed during the Revolution, these plans would probably be found there, and, if so, would certainly convey much information.

The persons by whom these tracts of country might be settled, are Scotch Highlanders, Englishmen, Scotch Lowlanders, Irishmen and Canadians.

The Scotch Highlanders, either alone, or jointly with the Canadians, but certainly without any other mixture, ought, it seems to me, to be located in the Great Valley of Lake St. John. This is unquestionably the *Arx et domicilium imperii* of this Northern portion of the American Continent, and ought, therefore, to be occupied by a people of military habits, and sufficiently strongly attached to their ancient institutions and usages not readily to coalesce or assimilate with the people of the United States.

It is of the last importance, that this portion of Lower Canada should be inhabited by good men and true; for if Great Britain were driven from all her other Colonial Possessions upon the St. Lawrence and the Great Lakes, *quod Di avertant!* she might maintain herself here, against the combined strength of the whole of the North American Continent.

As well the country lying between the old Seigniories and the Province Line on the South Shore, as that lying in the rear of the old Seigniories on the North Shore, ought, it seems to me, to be exclusively appropriated to Settlements of Canadians. This frugal, hardy, brave and polite people do not readily coalesce with the Americans; and their population is redundant to a degree which, in a new country, is astonishing, and calls for remedy.

The English, Lowland Scotch, and Irish Emigrants, might be advantageously settled on the tract of country contiguous to the Ottawa and Kingston Canal. All concur in representing this country as one of the greatest fertility. The climate is mild, and there is a great demand for labour.

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- M. Tache, of Kamouraska—Account of River SAGUENAY, Lake St. Jean, and surrounding country—former establishment of the Jesuits.—Pages 23, 24. ||||
- Colonel Bouchette—Description of the country between St. Lawrence and New Brunswick, late Temiscouta, with his observations as to the causes that retard the settling that country—chiefly the undecided boundary.—Pages 25 to 27. |||
- Robert Christie, Esq.—Description of the district of Gaspé—climate and soil good, abounding with harbours and rivers, fish, &c.—Pages 28 to 31. |||
- Mr. Alexander Morrison—Account of River SAGUENAY, Lake St. Jean—climate as mild as any part of Lower Canada, &c.—Pages 31, 32. ||||
- Richard Coughtree—Statistical account—Settlement of Valcartier.—Page 33.
- Mr. Philip Wright—Account of his Settlement in the Township of Hull, and general observations connected with the country up the Ottawa, exhibiting a statistical account of 1820. Value of property there, £. 51,330.—Pages 44 to 51.
- Captain Fougere—Description of Magdelon and Brion Islands, in Gulf of St. Lawrence, property of Sir I. Coffin.—Page 51.

SECOND REPORT.

- Andrew Stuart—President's Report.—Pages 1 to 10.
- Colonel Bouchette—relative to the quantity and description of Land, unconceded on the River Sud, north of Ottawa, deducting Clergy and Crown Reserves, about 18,000,000 acres, and about 300,000 fit for cultivation, near Granvell and the river that falls into the Ottawa, from the north-east, with description of a line of road from BERTHIER to Upper Canada; shortens distance thirty-one miles—with various information, connected with the surveying and granting Lands in Lower Canada—Official Fees, &c.—say, Surveyor General, 15s. per 1,000 acres—10s. Clerk of Council—Provincial Secretary, 15s.—former, 6s. 8d.—Auditor Registrar, 5s.—Attorney General, 10s., &c. &c.—Pages 11 to 16. |||
- Alexander Rea—states that about 200,000 acres of Land fit for cultivation, unconceded in rear of La Valtrie and adjacent Seigniories—states that for want of PROPER ARRANGEMENT AND FACILITIES TO DIRECT EMIGRANTS, the Settlement of new Land is much retarded in Lower Canada.—Pages 34 to 38. ||||

* The Scores in the Margin refer to the relative Importance of the different Paragraphs of the Report.

James

INSTRUCTIONS AND REPORT ON EMIGRATION. 97

||| James M'Douall—states that the climate and soil is very productive in the back country, lying north of Lake St. Peter's, towards the source of St. Maurice River, &c.—*Pages 48 to 49.*

MISCELLANEOUS.
—
Appendix (H.)
No. 9.

Table of official fees paid on grant of land, 3 *l.* 6 *s.* 8 *d.*—*Page 56.*

|| Table of land granted in Lower Canada, which has been surveyed since year 1795.

2,203,709	-	-	-	Granted.	
445,660	-	-	-	Crown	} Reserves. <i>Page 84.</i>
439,705	-	-	-	Clergy	

SIXTH REPORT.

||| John M'Nider—Account of the Settlement of *Metis*, with cost of clearing land, &c.—Soil good between Cacona and Metis, as also between METIS and RISTIGOUCHE.—Fisheries at Metis, &c. &c.—*Pages 116 to 119.*

||| Isaac Man, Esq.—Description of the country about the Bay of Chaleur, RISTIGOUCHE, &c.—River Matapediac—original Settlement of New Carlisle and Gaspé, &c.—*Pages 120 to 123.*

||| Lieutenant Colonel Cockburn—respecting the Military Settlement at Perth in Upper Canada, &c. &c.—*Pages 123 to 128.*

Captain Fenwick, Harbour-master of Quebec—Arrival of Emigrants,

1821	-	-	-	-	8,056
1822	-	-	-	-	10,470
					<hr/> 18,526 <hr/>

Page 141.

SEVENTH REPORT.

|| County of Buckingham, granted to ten persons, each about 50,000 acres, and no improvement.—*Page 42.*

||| James M'Kinzie, Esq.—Account of River SAGUENAY, and adjacent country—Soil good, &c. &c.—*Pages 52 to 60.*

||| Mr. James M'Douall—Description of River SAGUENAY—Anchorage—Roadsteads—Climate and soil good—Cattle may be driven across the country from Quebec to Lake St. John—Country capable of great defence, &c.—*Pages 61 to 63.*

||| Difficulties in procuring Grants of Land in Lower Canada, for want of information—Description of land *five or ten leagues* north side of St. Lawrence—good for settlement.—*Pages 73, 74.*

Cost of clearing, sowing, and stocking land, per acre, about 5 *l.*, per account John Neilson.—*Pages 76, 77.*

||| Louis Sirrac, Pilot of River SAGUENAY—Description of tides, &c. &c.—*Page 81.*

Francis Verroult—resided fifty years in the *Saguenay* country—gives very interesting information respecting climate, &c., and represents a large tract highly calculated for Settlement.—*Pages 90. 100.*

||| Alexander Frazer, Esq.—Description of River SAGUENAY, and the country lying towards the River St. Maurice.—*Page 101.*

||| Joseph Bouchette, Esq., Surveyor General—respecting SURVEYS TAKEN of LOWER CANADA—general remark on the country—Extent of Lower Canada 150,000 superficial miles—25,000 or 30,000 explored—Observations on SAGUENAY, &c.—*Page 104.*

||| PASCHAL TACHE—Particular description of the Saguenay country, &c.—*Pages 113 to 117.*

MISCELLANEOUS.

Appendix (H.)
No. 9.

INDEX to VOLUME the SECOND of the MINUTES of EVIDENCE, and REPORTS, relating to the SETTLEMENT of CROWN LANDS in LOWER CANADA, as submitted by a Select Committee to the House of Assembly of that Province.

APPENDIX TO TENTH REPORT.

Louis Montizambert, Esq. and Andrew William Cochran, Esq.—concerning the fees payable on grants of land and other official duties.—*Page 8.*

Joseph Bouchette, Esq. Surveyor General—a Road from St. Lawrence to Fredericton. | |

N. B.—Account of St. John's River, Madawaska, &c. &c.—*Pages 9 to 12.*

Major Elliott—Description of Madawaska Settlement, and line of ROAD FROM ST. LAWRENCE TO PORTAGE by Temiscouta—Population of Madawaska Settlement, 1823, 900 souls.—*Pages 13 to 17.* | | |

CHARLES TACHE, the elder, of Komousoska—respecting the SAGUENAY RIVER, Lake St. Jean, Chicoutamy—Description of a tract of country lying from Cape Alert, on the Saguenay, to source of River St. Maurice, seventy or eighty leagues long by forty or fifty wide, extremely fertile.—*Pages 19 to 22.* | | |

Way bill and post route, from Halifax to Quebec—Distance 636½ miles—Seventeen days performing in December 1821.—*Pages 22, 23.* |

Edward Isaac Man, Esq.—Remarks on Madawaska and the COUNTRY IN REAR of old Settlements on the St. Lawrence from Point Levi to Cacona, with observations on proposed road from Metis to Chaleur—Expenses of surveying new country, 29s. per mile.—*Pages 24 to 27.* | | |

J. Bouchette, Esq. junior—Description of Gaspé—Bay of Chaleur to St. Lawrence—River Ristigouche, &c. &c.—Matapediac—Soil, &c. &c.—*Pages 27 to 33.* | | |

Mr. Ruggles Wright's description of land lying between the St. Maurice and Ottawa Rivers—particularly good—Clergy Reserves, &c. against improvement—well calculated for English or Irish Emigrants—new Emigrants good axe men in a few months—in three or four years clear twenty or thirty acres land—acquire a cow, oxen, &c. &c.—*Pages 35 to 36.*

John Neilson, Esq.—Opinion of a party necessary to explore a new country—One manager, 15s. per day—Three Indians, 5s. = 15s.—Two farmers, 5s. = 10s., say 40s. per day for one month, is 60l.—Lower Canada suited to culture of hemp.—*Pages 37 to 42.* |

Mr. P. Wright's Statement in Hull—Ottawa soil superior to any in Massachusetts.—*Pages 43 to 57.*

COLONEL BOUCHETTE, SURVEYOR GENERAL—respecting Maps and Surveys of Lower Canada—Country lying between the SAGUENAY and St. Maurice Rivers—Lake Temiscouta, nine leagues long, one or two miles and a half wide.—*Pages 61 to 63.* | | |

David Stuart, Esq.—Account of Indians that inhabit the country lying between St. Maurice River and the Mingen Seigniory and Coast of Labrador—in all about 700 souls.—*Pages 63 to 64.* | |

Mr. Richard Deloughery—statistical account of the new Settlement of Valcartier.—*Page 64.* |

Robert Christie, Esq.—an account of River Ristigouche—Madawaska—Soil good, and well adapted for Settlement.—*Pages 65 to 67.* | |

T. T. Tacherau,

||| T. T. Tacherau, Esq.—Answer to eight questions, respecting the Ristigouche, Madawaska, and Temiscouta, which he represents extremely fertile and well adapted for Settlement.—*Pages 67 to 73.*

| Relative to various roads on the south side of the St. Lawrence, towards the townships.—*Pages 79 to 84.*

Reports of Mr. E. G. Man, respecting road from St. Lawrence to Ristigouche.
—*Pages 84 to 88.*

||| JOHN M'NIDER—Road from Metis to Ristigouche.

COLONEL BOUCHETTE—respecting Temiscouta—Metis to Ristigouche—Kenebeck Road, &c.—Report of an exploring party from the River Chauderie and River de Sud, and those that fall into River St. John's—by Mr. William Ware, D. P. S.

EMIGRATION.

APPENDIX

TO

REPORT

Of Lieutenant Colonel *Cockburn*,

ON THE SUBJECT OF

EMIGRATION.

(N° 109. 10 March.)

Ordered, by The House of Commons, to be Printed, ..
17 March 1828.

POST-OFFICE ESTABLISHMENT
(CANADA.)

RETURNS

Establishment of the General Post-Office in UPPER and LOWER CANADA,
and in each of the Colonies in NORTH AMERICA ;—and Amount of
POSTAGE collected.

Ordered, by The House of Commons, to be Printed,
21 February 1828.

— 2. —

A RETURN of the Amount collected for Postage in UPPER and LOWER CANADA, and in each of the other Colonies in NORTH AMERICA, during the Years 1825 and 1826; also, an Account of the manner in which the same has been appropriated, and under what Authority collected and applied.

	YEAR 1825, ended 5th January 1826.	YEAR 1826, ended 5th January 1827.
Gross Amount of British and North American } Postage, collected in Canada - - - }	17,223 9 3	18,829 2 5
- - Ditto - - in Nova Scotia - -	4,341 18 3 ½	4,751 10 1 ½

THE Net Produce of Postage collected in the British Colonies in North America is remitted to London, and incorporated with the Post-Office Revenue.

AUTHORITY:

THE Revenue is collected and applied under the Acts,
 37 Geo. 3, c. 18.
 45 - - 11.
 52 - - 88.

General Post-Office, }
 5th July 1827. }

F. FREELING,
 Secretary.

POST-OFFICE ESTABLISHMENT
(CANADA.)

RETURNS

Establishment of the General Post-Office in Upper and Lower CANADA, and in each of the Colonies in NORTH AMERICA;—and Amount of Postage collected.

*Ordered, by the House of Commons, to be Printed,
21 February 1828.*

NEWFOUNDLAND AND LABRADOR.

RETURN to an Address of The Honourable House of Commons,
dated 6 June 1828;—for

A RETURN

Of the Number of CIVIL ACTIONS, and of CRIMINAL INFORMATIONS or PROSECUTIONS, tried in the Supreme Central Court of *Newfoundland*, and in the Circuit Courts of that Island, and in the *Labrador* Court, since the passing of the Act of 5 Geo. IV. c. 67; distinguishing the Number of Trials in each Court in every Year, the Number of Appeals, the Places where such Sittings were held, and the Number of Days occupied by each Court in such Judicial Proceedings every Year.

Colonial Department, Downing-street, }
21 May 1829.

HORACE TWISS.

Ordered, by The House of Commons, to be Printed,
1 June 1829.

RETURN of the Number of CIVIL ACTIONS and CRIMINAL INFORMATIONS
from the 1st day of January 1826

DURATION OF THE TERM.	Number of Days in which the Court sat.	PLACE where the Court was holden.	PRESIDING JUDGE.	Number of Writs sued out.
Year 1826 :			Supreme Court :	
2 January - - -	1	Saint John's -	The Hon. Rich ^d Alex ^r Tucker, esq. C. J. The Hon. Aug ^s Walle ^t des Barres, esq. and The Hon. Jn ^o W ^m Molloy, esq. ass ^t Judges	none
From 2 April until 2 May	18	- - -	- - ditto - - - - ditto - -	37
- 12 July - 22 Aug.	18	- - -	- - ditto - - - - ditto - -	23
	37			60
			Central Circuit Court :	
- 15 May until 23 June	15	Saint John's -	The Hon. Rich ^d Alex ^r Tucker, esq. C. J.	119
- 27 Oct. - 19 Dec.	24	- - -	- - ditto - - - - ditto - -	304
	39			423
			Northern Circuit Court :	
- 15 May until 8 July	36	Harbor Grace -	The Hon. Jn ^o W ^m Molloy, esq. ass ^t Judge	166
	1	Twillingate -	The Hon. Rich ^d Alex ^r Tucker, esq. C. J.	2
	4	Bonavesta - -	- - ditto - - - - ditto - -	19
- 6 Sept. - 21 Oct.	3	Trinity - - -	- - ditto - - - - ditto - -	5
	13	Harbor Grace -	- - ditto - - - - ditto - -	60
- 29 Nov. - 23 Dec.	22	- - -	The Hon. Aug ^s Walle ^t des Barres, ass ^t J.	107
	79			359
			Southern Circuit Court :	
- 15 May until 3 June	13	Ferryland - -	The Hon. Aug ^s Walle ^t des Barres, A. J.	3
	4	Harbor Britain -	- - ditto - - - - ditto - -	4
	9	Bureau - - -	- - ditto - - - - ditto - -	27
- 15 Sept. - 11 Nov.	2	Oderin - - -	- - ditto - - - - ditto - -	-
	10	Placentia - -	- - ditto - - - - ditto - -	29
	2	Trepassey - -	- - ditto - - - - ditto - -	-
	15	Ferryland - -	- - ditto - - - - ditto - -	71
	55			134
Year 1827 :			Supreme Court :	
- 10 Jan. until 27 Jan.	14	Saint John's -	The Hon. Rich ^d Alex ^r Tucker, esq. C. J. The Hon. Aug ^s Walle ^t des Barres, esq. and The Hon. W ^m Patterson, assistant Judges	68
28 July - - - -	1	- - -	- - - - - - - -	- - -
From 6 Dec. until 22 Dec.	14	- - -	The Hon. E. Babazon Brenton, act ^s C. J. The Hon. Aug ^s Walle ^t des Barres, ass ^t J. The Hon. James Cochrane, esq. act ^s ass ^t J.	86
	29			154
			Central Circuit Court :	
- 18 May until 20 June	23	- - -	The Hon. Aug ^s Walle ^t des Barres, esq. A. J.	107
- 29 Oct. - 22 Nov.	13	- - -	The Hon. Edw ^d B. Brenton, esq. act ^s C. J.	151
	36			258

and PROSECUTIONS, in the Supreme and Circuit Courts of *Newfoundland*,
to the 7th day of December 1828.

AMOUNT Sued for.	NUMBER of Actions Tried.	AMOUNT of Actions Tried.	NUMBER of Criminal Trials.	NUMBER of Persons Tried.	NUMBER of APPEALS.	GENERAL OBSERVATIONS.
£. s. d.		£. s. d.				
- - -	- - -	- - -	- - -	- - -	- - -	- - Held for the special purpose of reading His Majesty's charter, and opening the Supreme Court.
5,607 1 6	23	5,360 1 3	9	13	—	
595 12 10 $\frac{1}{2}$	16	379 2 10 $\frac{1}{2}$	3	3	—	
6,202 14 4 $\frac{1}{2}$	39	5,739 4 1 $\frac{1}{2}$	12	16	- - -	{ TOTAL - Supreme Court, 1826.
2,327 16 1	84	1,528 11 1 $\frac{1}{2}$	7	12	-	
6,302 - 7	232	3,682 11 11	2	2	—	
8,630 16 8	316	5,211 3 - $\frac{1}{2}$	9	14	- - -	{ TOTAL - Central Circuit Court, 1826.
2,770 - 8	129	2,000 - 5	19	19	1	
50 - -	—	—	—	—	—	
500 - 2	15	356 7 -	—	—	—	
54 10 7	8	49 2 8	—	—	—	
1,244 8 1	54	735 4 2	7	7	—	
1,666 2 7	101	1,289 6 8	12	12	1	
6,285 2 1	307	4,430 - 11	38	38	2	{ TOTAL - Northern Circuit Court, 1826.
22 19 -	3	22 15 10	1	2	—	
31 10 9	3	31 10 9	—	—	—	
421 4 6	21	260 3 6	5	5	—	
—	—	—	—	—	—	
627 10 5	19	370 10 9	2	4	—	
984 3 -	51	829 15 4	4	4	—	
2,087 7 8	97	1,514 16 2	12	15	- - -	{ TOTAL - Southern Circuit Court, 1826.
3,050 19 4 $\frac{1}{2}$	34	2,356 15 3	6	7	—	
- - -	- - -	- - -	- - -	- - -	- - -	Held for a special purpose.
4,515 11 3 $\frac{3}{4}$	55	2,689 18 2	2	3	—	
7,566 10 8 $\frac{1}{4}$	89	5,046 13 5	8	10	- - -	{ TOTAL - Supreme Court, 1827.
2,272 13 1	87	1,749 8 4	10	14	—	
2,886 14 10 $\frac{1}{2}$	97	2,035 3 1	4	4	—	
5,159 7 11 $\frac{1}{2}$	174	3,784 11 5	14	18	- - -	{ TOTAL - Central Circuit Court, 1827.

Return of the Number of Civil Actions, &c. - - - - -

DURATION OF THE TERM.	Number of Days in which the Court sat.	PLACE where the Court was holden.	PRESIDING JUDGE.	Number of Writs sued out.
Year 1827—continued.				
From 10 May until 6 June	17	Harbor Grace -	Northern Circuit Court : The Hon. Rich ^d Alex ^r Tucker, esq. C. J.	48
	1	Fogo - - - -	The Hon. Aug ^s Wallet des Barres, esq. A. J.	2
	6	Twillingate - -	- - - - -	16
	5	Greenspond - -	- - - - -	12
	5	Bonavista - -	- - - - -	14
- 18 Sept. - 22 Nov.	17	Harbor Grace -	- - - - -	84
	51			176
Southern Circuit Court :				
- 11 Sept. until 4 Oct.	3	Burin - - - -	Hon. Rich ^d Alex ^r Tucker, esq. C. J.	20
	2	Placentia - - -	- - - - -	6
	3	Ferryland - - -	- - - - -	22
	8			48
Year 1828 :				
From 2 July until 19 July	7	Saint John's -	Supreme Court : The Hon. Edw ^d B. Brenton, esq. act ^s C. J. The Hon. Aug ^s Wallett des Barres, esq. A. J. The Hon. James Cochrane, esq. A. A. J.	12
	6	- - - -	The Hon. Rich ^d Alex ^r Tucker, esq. C. J. The Hon. Aug ^s Wallet des Barres, esq. and The Hon. Edw ^d B. Brenton, esq. A. J.	11
- 1 Dec. - 6 Dec.	13			23
Central Circuit Court :				
- 7 May until 20 June	18	- - - -	The Hon. Edw ^d B. Brenton, esq. act ^s C. J.	113
- 14 Oct. - 27 Nov.	22	- - - -	The Hon. Rich ^d A. Tucker, esq. C. J.	226
	40			339
Northern Circuit Court :				
- 3 Jan. until 26 Jan.	18	Harbor Grace -	The Hon. Ja ^s Cochrane, esq. act ^s A. J.	74
- 7 May - 7 June	11	- - - -	- - - - -	49
- 9 Sept. - 25 Nov.	7	Twillingate - -	The Hon. Aug ^s Wallett des Barres, esq. A. J.	16
	6	Fogo - - - -	- - - - -	18
	6	Greenspond - -	- - - - -	8
	5	Bonavista - -	- - - - -	12
	2	Catalina - - -	- - - - -	8
	4	Trinity - - - -	- - - - -	11
	12	Harbor Grace -	- - - - -	85
	69			281
Southern Circuit Court :				
- 15 Sept. until 14 Nov.	2	Harbor Britain -	The Hon. Edw ^d B. Brenton, esq. Asa ^s . J.	1
	6	Burin - - - -	- - - - -	32
	2	Oderin - - - -	- - - - -	-
	2	Placentia - - -	- - - - -	14
	3	St. Mary's - -	- - - - -	13
	1	Trepassey - - -	- - - - -	-
	6	Ferryland - - -	- - - - -	19
	22			79

- - - - in the Supreme and Circuit Courts of Newfoundland—continued.

AMOUNT sued for.	NUMBER of Actions Tried.	AMOUNT of Actions Tried.	NUMBER of Criminal Trials.	NUMBER of Persons Tried.	NUMBER of Appeals.	GENERAL OBSERVATIONS.
£. s. d.		£. s. d.				
835 5 5	46	508 1 2 $\frac{3}{4}$	9	13	—	
209 7 11	1	190 7 11	—	—	—	
907 — 6 $\frac{3}{4}$	14	761 18 —	1	1	—	
474 8 4	11	347 12 8	—	—	—	
508 9 7	13	488 4 3	—	—	—	
3,046 17 2	69	1,696 14 4	—	—	—	
5,981 8 11 $\frac{3}{4}$	154	3,992 18 4 $\frac{3}{4}$	10	14	- - -	{ TOTAL - Northern Circuit Court, 1827.
331 7 8	13	308 17 5	—	—	—	
42 8 4	2	11 10 3	—	—	—	
362 — 2	17	342 14 9	1	1	—	
735 16 2	32	663 2 5	1	1	- - -	{ TOTAL - Southern Circuit Court, 1827.
619 19 —	7	219 18 3	1	3	—	
460 6 6	2	25 — 10	9	10	—	
1,080 5 6	9	244 19 1	10	13	- - -	{ TOTAL - Supreme Court, 1828.
1,968 9 11	74	1,205 9 11	10	10	—	
4,274 17 2	161	3,921 6 1	14	12	- - -	{ - - Fourteen were actually the number of indictments, of which two were prosecuted by the Attorney General.
6,243 7 1	235	5,126 16 —	24	22	- - -	{ TOTAL - Central Circuit Court, 1828.
1,525 3 5	61	1,295 2 9	3	3	—	
1,097 19 3	44	686 1 2	3	3	—	
251 8 9 $\frac{1}{2}$	11	123 16 9	1	1	—	
491 — 11 $\frac{1}{4}$	11	401 18 3 $\frac{1}{4}$	1	1	—	
156 12 6	3	57 7 6	2	2	—	
131 15 1	4	15 18 3	1	1	—	
149 12 9	7	60 14 6	—	—	—	
156 6 7	6	86 18 9	—	—	—	
916 19 — $\frac{1}{2}$	63	735 — 9	1	1	—	
4,876 18 4 $\frac{3}{4}$	210	3,482 18 8 $\frac{1}{4}$	12	12	- - -	{ TOTAL - Northern Circuit Court, 1828.
19 19 —	1	19 19 —	—	—	—	
479 9 10	17	305 6 —	—	—	—	
—	—	—	—	—	—	
341 10 7	10	230 19 8	—	—	—	
235 8 —	6	119 7 10	—	—	—	
—	—	—	—	—	—	
206 6 10	15	161 10 6	1	1	—	
1,282 14 3	49	837 3 —	1	1	- - -	{ TOTAL - Southern Circuit Court, 1828.

Return of the Number of Civil Actions, &c. - - - - -

A B S T R A C T : - - - - -

	Number of Days in which the Court sat.	NUMBER of Writs sued out.	AMOUNT Sued for.	NUMBER of Actions Tried.	AMOUNT of Actions Tried.
			£. s. d.		£. s. d.
TOTAL of the Supreme and Circuit Courts, for the Year 1826.	37	60	6,202 14 4 $\frac{1}{2}$	39	5,739 4 1 $\frac{1}{2}$
	39	423	8,630 16 8	316	5,211 3 - $\frac{1}{2}$
	79	359	6,285 2 1	307	4,430 - 11
	55	134	2,087 7 8	97	1,514 16 2
	210	976	23,206 - 9 $\frac{1}{2}$	759	16,896 5 1
TOTAL of the Supreme and Circuit Courts, for the Year 1827.	29	154	7,566 10 8 $\frac{1}{2}$	89	5,046 13 5
	36	258	5,159 7 11 $\frac{1}{2}$	174	3,784 11 5
	51	176	5,981 8 11 $\frac{3}{4}$	154	3,992 18 4 $\frac{1}{2}$
	8	48	735 16 2	32	663 2 5
	124	636	19,443 3 9 $\frac{1}{2}$	449	13,487 5 7 $\frac{3}{4}$
TOTAL of the Supreme and Circuit Courts, for the Year 1828.	13	23	1,080 5 6	9	244 19 1
	40	339	6,243 7 1	235	5,126 16 -
	69	281	4,876 18 4 $\frac{1}{4}$	210	3,482 18 8 $\frac{1}{4}$
	22	79	1,282 14 3	49	837 3 -
	144	722	13,483 5 2 $\frac{1}{4}$	503	9,691 16 9 $\frac{1}{4}$
GRAND TOTAL Of the Number of CIVIL AC- TIONS and CRIMINAL INFOR- MATIONS and PROSECUTIONS in the Supreme and Circuit Courts of <i>Newfoundland</i> , from the 1st day of January 1826 to the 7th day of December 1828.	79	237	14,849 10 6 $\frac{1}{4}$	137	11,030 16 7 $\frac{1}{2}$
	115	1,018	20,033 11 8 $\frac{1}{2}$	725	14,122 10 5 $\frac{1}{2}$
	199	614	13,549 5 3 $\frac{3}{4}$	510	9,260 2 3 $\frac{3}{4}$
	85	261	4,105 18 1	178	3,015 1 7
	478	2,130	52,538 5 8	1,550	38,428 10 11 $\frac{1}{4}$

in the Supreme and Circuit Courts of Newfoundland—continued.

A B S T R A C T :

NUMBER of Criminal Trials.	NUMBER of Persons Tried.	NUMBER of APPEALS.		GENERAL OBSERVATIONS.
12	16	- -	Total Supreme Court, for the year 1826	<p>This Return exhibits, we believe, a very correct statement of the Business done by these courts, considered merely as courts of <i>law</i>; but in virtue of the jurisdiction which they possess as courts of <i>equity</i>, a great number of cases also come before them, which are not included in this return, and which it would be scarcely practicable to give an account of. In addition to this, the whole business of the Probate Court is conducted under the immediate superintendence and direction of the Judges of the Supreme Court. But the most difficult and irksome part of their whole duty is in hearing a long string of cases, principally between indigent parties, which are brought under their consideration by petition, setting forth some grievance, and a rule of court calling on the party against whom the complaint is preferred, to appear in court to answer the same. When both parties are thus brought before the court, the Judges examine the nature of the case, and if the facts be admitted on both sides, make such a decree thereon as they deem to be proper; but if the facts be disputed, they either direct an action to be brought in order to have them ascertained by a jury, or they point out to the suitors their respective legal rights and liabilities under each statement of facts, and recommend them to refer the matters in controversy between them to arbitration. It is almost impossible for a person unacquainted with the circumstances of this country, and the condition of its population, to form an idea of the vast number of cases which are in this manner brought under the view of the Judges; and it is perhaps still more impossible for a stranger to the mode of transacting business in this Island, to conceive the difficulties which frequently arise in settling them. This, it should also be observed, is frequently done in chambers by the Judges, who are in consequence compelled to give nearly a daily attendance there, even at those periods when there is no court actually sitting.</p>
9	14	- -	- Central Circuit Court - - d°	
38	38	2	- Northern Circuit Court - d°	
12	15	- -	- Southern Circuit Court - - d°	
71	83	2	- All the Four Courts - - - d°	
8	10	- -	Total Supreme Court, for the year 1827	
14	18	- -	- Central Circuit Court - - d°	
10	14	- -	- Northern Circuit Court - d°	
1	1	- -	- Southern Circuit Court - - d°	
33	43	- -	- All the Four Courts - - - d°	
10	10	- -	Total Supreme Court, for the year 1828	
24	22	- -	- Central Circuit Court - - d°	
12	12	- -	- Northern Circuit Court - - d°	
1	1	- -	- Southern Circuit Court - - d°	
47	48	- -	- All the Four Courts - - - d°	
30	39	- -	- - SUPREME COURT.	
47	54	- -	- - CENTRAL CIRCUIT COURT.	
49	53	2	- - NORTHERN CIRCUIT COURT.	
14	17	- -	- - SOUTHERN CIRCUIT COURT.	
140	163	2	- GRAND TOTAL.	

RETURN of the Number of CIVIL ACTIONS tried in the Court of Civil Jurisdiction established for the Labrador District, within the Government of Newfoundland.

Duration of the Term.	Number of Days which the Court sat.	Place where the Court was holden.	PRESIDING JUDGE.	N ^o of Writs sued out.	AMOUNT sued for.	N ^o of Actions tried.	AMOUNT of Actions tried.	GENERAL OBSERVATIONS.
1826 : 53 days	4	Ragolitt -	Hon. W ^m Paterson	1	£. s. d. 500 - -	-	£. s. d. - - -	This writ made returnable in 1827.
	2	Mullin's Cove	- - -	1	50 - -	1	50 - -	
	4	Tub Harbour	- - -	2	82 6 1	2	82 6 1	
	6	Dumplen Island	- - -	4	54 2 5	4	54 2 5	
	6	Cape Charles	- - -	5	194 15 6	6	194 15 6	
	22			13	881 4 -	13	381 4 -	The Court left St. John's on the 14th August, and returned on the 6th of October.
1827 : 62 days	3	Grady Harbour	Hon. W ^m Paterson	5	20 1 10	5	20 1 10	The Court left St. John's on the 31st July, and returned on the 30th of September.
	3	Dumplen Island	- - -	* 1	200 - -	-	-	The Court visited the following places, where there was no business for its consideration; viz. Francis Harbour, Indian Island, Point North, Mullins Cove, Rigolitt and Cuff Harbour.
	3	Tub Harbour	- - -	* 3	151 11 -	-	-	
	1	Indian Island	- - -	* 1	8 - -	-	-	
	3	Indian Tickle	- - -	1	20 - -	1	20 - -	
	6	Cape Charles	- - -	7	338 12 2	7	338 12 2	The writs marked with an asterisk, are made returnable in 1828.
	19			18	738 5 -	13	378 14 -	
1828 : 74 days	6	Tub Harbour	Hon. W ^m Paterson	8	811 12 6	6	567 2 -	The Court left St. John's on the 4th July, and returned the 15th September.
	4	Dumplen Island	- - -	1	200 - -	-	- - -	This writ made returnable August 1829.
	4	Grady Harbour	- - -	6	188 17 -	6	188 17 -	
	1	Seal Islands -	- - -	1	100 - -	1	100 - -	
	2	Francis Harbour	- - -	1	100 10 -	1	100 10	
	6	Cape Charles	- - -	11	386 5 3	9	127 2 9	Three writs, amounting to £. 259. 2 s. 6 d. returnable in 1829.
	4	Henley Harbour	- - -	4	98 - 6	4	98 - 6	The Court visited the following places, where there was no business for its consideration; viz. L'Ana a Loup, Forteau, Indian Tickle, South East Cove, Long Island, Indian Island, Point North, Rigolitt, Wewnamish, Cuff Harbour, Indian Harbour and Mullin's Cove.
	27			32	1,885 5 3	27	1,181 12 3	

(signed) William Paterson,
Judge of the Labrador District Court.

NEWFOUNDLAND AND LABRADOR.

RETURN to an Address of the Honourable House of Commons,
dated 6 June 1828 *—for*

A RETURN

Of the Number of CIVIL ACTIONS, and of CRIMINAL
PROSECUTIONS, tried in the Supreme Central Court of
Newfoundland, and in the Circuit Courts of that Island,
and in the Labrador Court, since the passing of the Act
5 Geo. IV. c. 67.

*Ordered, by The House of Commons, to be Printed,
1 June 1829.*

C A N A D A.

RETURN to an Address of the Honourable the House of Commons,
dated 5th June 1829;—*for*

COPIES or Extracts of any COMMUNICATIONS between
the Colonial Office and the Governors of Upper and
Lower Canada; in pursuance of the Recommendations
of the Canada Committee.

Colonial Department, Downing Street, }
18th February 1830. }

R. W. HAY.

Ordered, by The House of Commons, to be Printed,
23 February 1830.

L I S T. ---

- N^o 1.—Copy of the Earl of Dalhousie's Despatch to Mr. Secretary Huskisson, dated Quebec, 29th Jan. 1828 - - - - - p. 3
- N^o 2.—Copy of Mr. Secretary Huskisson's Despatch to the Earl of Dalhousie, dated Downing-street, 28th March 1828 - - - - - p. 4
- N^o 3.—Copy of a Letter from the Earl of Dalhousie to R. W. Hay, esq., dated London, 23d Oct. 1828 - - - - - p. 5
- N^o 4.—Copy of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 26th Oct. 1828 - - - - - p. 6
- N^o 5.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 26th Feb. 1829 - - - - - *ibid.*
- N^o 6.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 27th March 1829 - - - - - *ibid.*
- N^o 7.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 19th Dec. 1829 - - - - - p. 8
- N^o 8.—Copy of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 29th Sept. 1828 - - - - - p. 10
- N^o 9.—Copy of a Despatch from Secretary Sir George Murray to Major General Sir John Colborne, dated Downing-street, 29th Sept. 1828 - - - - - p. 15
- N^o 10.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 22d Nov. 1828 - - - - - p. 17
- N^o 11.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 28th Nov. 1828 - - - - - p. 18
- N^o 12.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, of the same date - - - - - p. 22
- N^o 13.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 13th Dec. 1828 - - - - - p. 25
- N^o 14.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 5th Feb. 1829 - - - - - p. 28
- N^o 15.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 27th Feb. 1829 - - - - - p. 45
- N^o 16.—Copy of the Report of the Attorney General of Lower Canada, relative to the Prosecutions for Libel - - - - - p. 46
- N^o 17.—Copy of a Despatch from Secretary George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 13th April 1829 - - - - - p. 64
- N^o 18.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 7th March 1829 - - - - - *ibid.*
- N^o 19.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated 25th March 1829 - - - - - p. 67
- N^o 20.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated Quebec, 26th March 1829 - - - - - p. 82
- N^o 21.—Copy of Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 30th Sept. 1828 - - - - - p. 84
- N^o 22.—Copy of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 16th Feb. 1829 - - - - - p. 85
- N^o 23.—Copy of a Despatch from Secretary Sir George Murray to Lieutenant General Sir Peregrine Maitland, dated Downing-street, 31st July 1828 - - - - - p. 86
- N^o 24.—Copy of a Despatch from Lieutenant General Sir Peregrine Maitland to Secretary Sir George Murray, dated Halifax, 2d Dec. 1828 - - - - - *ibid.*

COPIES or Extracts of any COMMUNICATIONS between
the Colonial Office and the Governors of Upper and
Lower Canada; in pursuance of the Recommendations
of the Canada Committee.

N° 1.—COPY of the Earl of Dalhousie's Despatch to Mr. Secretary Huskisson.

Castle of Saint Lewis,
Quebec, 29th Jan. 1828.

SIR,

AS the exaggerated and false representations which are circulated in this province, in newspapers opposed to Government, respecting the demission of various officers of militia, may be repeated in the public prints in England, and reach His Majesty's Government, I think it advisable to make you acquainted with the real state of the case.

The temporary laws for regulating the militia which had been in force for many years, and had been from time to time continued for short periods, expired on first of May last, in consequence of the bill for prolonging their duration having fallen through in the Assembly, after being amended by the Legislative Council, who wished to alter the system. One of these temporary Acts had *repealed* two useful permanent militia laws, passed in 1787 and 1789, and the question arose, whether, on the expiration of the temporary repealing statute, the permanent laws came into operation. His Majesty's attorney general reported his opinion that they did, and I acted on that opinion, as it was my duty to do: but as some doubt attended the question, the party opposed to Government took the opportunity to attack its conduct in this respect with violence; and the consequence was, that several officers of militia, either believing or affecting to believe that there was no militia law in force, refused to attend the summer musters, or otherwise exhibited a spirit of disobedience to orders; and these persons have been dismissed, wherever the circumstances of their conduct or situation were such as to make an example necessary.

The enclosed general orders, which I have issued during the last season, will show, however, that the conduct of the militia has almost universally been such as to merit and receive my warmest approbation.

In some few instances, I have thought it my duty to notify the dismissal of particular officers, who had abused the influence they derived from their rank, to support their violent opposition to Government, in a manner that outraged the proper and decent respect due, even in opposition, to the constituted authorities of the State.

I have the honour to be, Sir,
Your most obedient humble Servant,
(signed) DALHOUSIE.

Office of Adjutant General of Militia,
Quebec, 12th Sept. 1827.

GENERAL ORDER OF MILITIA:

His Excellency the Governor and Commander in Chief, takes an early opportunity to express to the battalions of militia in Lower Canada, his sentiments on certain recent proceedings which nearly concern their loyalty and honour.

It is well known that the laws under which the militia force has been regulated for many years, have been enacted for short periods, and have been repeatedly renewed as a substitute for the permanent laws passed in 1787 and 1789.

4 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

These temporary Acts, however, not having been renewed in the last session of the Provincial Parliament, expired on the 1st of May, and it was immediately notified to the militia, by his Excellency's directions, that under existing circumstances the old permanent ordinances came into force.

Evil disposed persons were not wanting to spread doubts upon the subject; and to these were added gross misrepresentations and calumnies regarding the intentions of the Executive Government, all tending to create discontent and dissatisfaction in the province, but more particularly to induce the militia to object against and disobey the orders issued under those ordinances for the usual musters in summer.

The Governor in Chief has seen with great satisfaction, that the utmost exertions of the ill-disposed have totally failed to disturb the natural disposition of the people to order and obedience. With very few exceptions, and those chiefly of officers holding commissions, the musters of July and August have been unusually numerous and well attended; it is therefore an important and most agreeable duty to his Excellency, to offer his warmest acknowledgments in approbation of that conduct, by which the battalions of militia have shown their loyalty and proper sense of duty.

But while the Governor in Chief thus gives the reward of praise where it is so well merited, he feels that his duty imperiously calls upon him, at this time, to deprive of the distinction of holding commissions in the militia, all such persons as have neglected to attend at the musters required by law, or who, by their conduct or language at public meetings, have failed in that respect which is due to the representative of their Sovereign. This, however, is a work of time and investigation, which, though necessarily attended with some delay, will not fail to receive his Excellency's serious and deliberate consideration.

By order of his Excellency the Governor General and Commander in Chief.

(signed) *F. Vassal De Monviel*,
Adj' Gen. M. F.

GENERAL ORDER OF MILITIA :

Office of Adj' Gen' of Militia,
12th Dec. 1827.

The Governor in Chief, having for some time past occupied himself in considering the reports of reviews by officers commanding battalions of militia, has great satisfaction in again expressing his approbation of the general disposition and orderly conduct of this great national force. The reviews have been fully attended, and there are but few instances in which the Governor in Chief could think it at all necessary to express censure. His Excellency, therefore, conveys to all and to each battalion his thanks for their conduct, trusting that next summer he shall find no cause to repeat the only disagreeable part of duty which remains for him to perform, that is, to publish the names of those officers who can offer no sufficient apology for their neglect of duty and absence from muster.

N° 2.—COPY of Mr. Secretary Huskisson's Despatch to the Earl of Dalhousie.

MY LORD,

Downing Street, 28th March 1828.

I have the honour to acknowledge the receipt of your Lordship's despatch, stating that the temporary laws which had for many years regulated the militia of Lower Canada expired on the 1st of May last, and that His Majesty's attorney general having advised your Lordship that the old laws of 1787 and 1789 again came into operation, you had acted on his opinion, and that in general the musters had been extremely well attended: but as some doubt attended the question, the party opposed to Government took the opportunity to attack its conduct in this respect with violence; and the consequence was, that several officers of militia, either believing or affecting to believe that there was no militia law in force, refused to attend the summer musters, or otherwise exhibited a spirit of disobedience to orders; and that your Lordship had dismissed these persons wherever the circumstances of their conduct or situation were such as to make an example necessary.

necessary. I have to acquaint your Lordship, in reply, that I entirely approve of the measures which you have adopted for bringing into operation the old militia laws, and also the dismissal of officers who have set an example of such decided disrespect and insubordination.

I have the honour to be, Sir,
Your most obedient humble Servant,
(signed) W. HUSKISSON.

N° 3.—COPY of a Letter from the Earl of Dalhousie to R. W. Hay, esq.

SIR,

London, 23d Oct. 1828.

In reply to your letter of the 23d ultimo, I have the honour to state the following circumstances in explanation of the dismissal of Lieutenant-colonel Malhiot, and other officers of militia in Canada, whose complaints and affidavits you have enclosed.

I shall not enter into these papers, which, from complainers, naturally give a false colouring and incorrect interpretation of my acts, in almost every point. A narrative is all I shall state, to give you an idea of this matter.

Soon after the deputies left Canada with petitions of grievance to Parliament, general meetings in the counties were called by the factious leaders, for the purpose of forming what they called "Central Committees," nothing different from the revolutionary committees in France, which led to the convulsions in that country.

In the county of Surrey, in Canada, a meeting was called, and a large concourse of the habitants and landed proprietors gathered at the village of Verchères. This Colonel Malhiot took the lead in the chair, with a party of these named officers. The meeting, however, was attended also by Lieutenant-colonel de Martigny, and a number of officers of the militia, holding opinions directly contrary to those of Mr. Malhiot. It is to be observed, that Mr. de Martigny commands in activity the battalion of militia in Surrey, while Mr. Malhiot is a retired officer and unemployed.

The first measure of Malhiot in the chair was to insult Mr. de Martigny, to order him and his party to depart, and they were by force put out of the house.

Mr. de Martigny made a complaint to me upon the subject, stating the impossibility of his maintaining the discipline in his battalion, or the peace of that county, if such officers as Malhiot, Drolet, &c. might with impunity harangue his officers and militiamen, to shake their allegiance and destroy that authority which as lieutenant-colonel was placed in his hands.

It became the duty of the Executive Government, and especially of the Governor, as commander in chief of the militia, to support the authority and maintain the discipline of that important national force.

Mr. Malhiot's opinions and political feelings were of no consequence; but as an officer of militia, the insulting the officer publicly in command, was the point to which I felt it my duty to attend.

I communicated to Mr. Malhiot and these officers my sentiments by Lieutenant colonel Heriot, my aide-de-camp, and required them to settle the disagreeable affair amicably, by any apology to Mr. de Martigny; all refused; I saw them all afterwards, having taken the trouble to go to the house of Mr. de Martigny, expressly for the purpose of adjusting the matter, and of confirming to Mr. de Martigny the assurances of my good opinion and support in the discharge of his duties.

The commissions of militia are "during pleasure," and truly the state and nature of society yet in Canada require that they should be so guarded.

The Governor holds the power to grant these commissions, and also the power to cancel and annul them when he sees cause. In this case it became indispensably necessary to make an example; and I do not hesitate to say, that the peace and tranquillity of the province depended upon the exercise firmly of the powers vested in the Governor.

6 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

I maintained the public tranquillity, and delivered over to Sir James Kempt a steady, well appointed and well disposed militia of 70,000 men, having certainly weeded it of many seditious and mischevious characters, whose chief hope to excite "troubles in Canada" rested upon the influence they attempted to obtain over the militia in the counties.

Such are the facts, and the narrative is the only justification I think it necessary to offer on that part of my conduct in the government of Canada.

I have the honour to be, Sir,

Your most obedient humble Servant,

(signed) DALHOUSIE.

N° 4.—COPY of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt.

SIR,

Downing Street, 26th October 1828.

I have the honour to transmit to you the enclosed papers, accompanied by various affidavits from officers of militia, who were dismissed by the Earl of Dalhousie, complaining that a military punishment had been inflicted on them for exercising their civil rights in signing a petition for redress of grievances, in common with other inhabitants of Lower Canada; and I am to request that you will inquire into the circumstances stated by these individuals, and report the result to me.

I have, &c.

(signed) G. MURRAY.

N. B.—The enclosures to this despatch being very voluminous, were sent in original by the North American mail of November, which having been lost, Sir James Kempt has been unable to prepare a detailed report on the subject.

N° 5.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of St. Lewis,
Quebec, 26th February 1829.

I have had the honour of receiving the *duplicate* of your despatch (N° 10.) of the 26th of October last, transmitting some papers and affidavits from officers of militia, who were dismissed by the Earl of Dalhousie, complaining that a military punishment had been inflicted on them for exercising their civil rights in common with other inhabitants of Lower Canada; and requesting me to inquire into the circumstances stated by them, and to report to you the result.

As the original despatch, however, is missing, and no papers of any kind accompanied the duplicate which I have named, it is not in my power to comply with your request, having no knowledge of the names of the parties complaining, or of the circumstances into which you desire me to inquire.

I have, &c.

(signed) JAMES KEMPT.

N° 6.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of St. Lewis,
Quebec, 27th March 1829.

I had the honour to inform you, in my despatch N° 27, that it had been the intention of the House of Assembly to provide by a special Act for the salaries of the militia staff and contingencies for the present year, and that the charge (amounting to 1,530 *l.* 8 *s.* 3 *d.*) had been deducted from the general estimate of the civil expenditure of the province, submitted by me to the Provincial Parliament, on which the bill of supply is founded.

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AND GOVERNORS OF UPPER AND LOWER CANADA. 7

The Assembly did accordingly pass an Act specially providing for this expense, but it contained a clause which, under existing circumstances, the Legislative Council conceived to be objectionable, and this occasioned the loss of the bill the evening before the session closed.

As the House of Assembly had no hesitation in voting the salaries, &c. of the militia staff for the half year ending the 31st of December last, on my requisition, I feel satisfied, from the assurances given me, that the difficulties on the present occasion would have been removed by the introduction of a new Act, if there had been time to have done so; but it was very late in the session before the bill went up to the Legislative Council, and when the objectionable clause was struck out by that branch of the Legislature, a quorum could not be assembled in the House of Assembly.

Under these circumstances, I earnestly request permission to issue by way of loan from the military chest, the sums necessary to pay the expense of the militia staff and contingencies for the present year, under a conviction that they will be repaid by a vote of the legislature in the next session. The half yearly salaries of the staff will become due on the 1st of July next, and as I have no funds at my disposal to apply to this most necessary service, I shall hope to receive your authority before that time, to advance the money in the manner which I have taken leave to suggest.

I think it right on the present occasion to put you in possession of the enclosed paper (N° 1), in order that you may be aware of the circumstances which occasioned the loss of the militia bill in the Legislative Council, and also of the Act providing for the payment of the militia staff.

The bill was simply a revival of former militia laws, without improvement of any kind, but the House of Assembly has reported the heads of a new bill, which it is intended to bring forward in the next session.

I have, &c.

(signed) JAMES KEMPT.

N° 1.—MILITIA LAWS.

Clause struck out of Militia Laws revival Bill by the Legislative Council, and which occasioned its loss.

Observations in explanation.

“ Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend, to revoke or annul all or any of the commissions of the different officers of militia appointed in this province prior to the 1st of May which was in the year of our Lord 1827, the said commissions being conformable to the provisions of the said Acts hereby revived and continued, in respect to the qualification and residence; and provided always, and it is hereby declared and enacted by the authority aforesaid, that all commissions or changes of officers in the militia, issued or made subsequently to the said 1st day of May, be and the same are hereby revoked and annulled, till such time as further provision be made therein by the Governor, lieutenant governor, or person administering the Government for the time being.”

The temporary militia laws having expired on the 1st of May 1827, the old ordinances of 1787 and 1789 came into operation on that day, and under this authority the militia of the province is at present regulated and assembled.—Doubts however being entertained on this subject, the law officers of the Crown were consulted on the occasion, and they gave an opinion that these ordinances became revived at the expiration of the temporary militia laws; an opinion which was subsequently confirmed by a judgment given by the judges of the court of King's Bench, in a suit brought before that court to try the question; but notwithstanding these legal opinions and judicial decisions, a party of considerable influence in the Assembly still maintain that these ordinances could not be legally revived, and that, in short, no law for the assembling and regulation of the militia has existed

since the 1st of May 1827. The object of this clause was, therefore, to revoke and annul all the militia appointments made by Lord Dalhousie since the 1st of May 1827, thereby virtually restoring to their commissions all those officers who were removed from them by the late Governor in Chief.

8 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

Clause struck out by the Council in the Militia Staff Officers' Salaries Bill.

" Provided always, and be it further enacted by the authority aforesaid, that the foregoing provisions of this Act shall not have any force or effect, unless, during the present session of the Legislature, an Act or Acts should be passed for reviving and continuing the Acts, or any of them, heretofore passed by the Legislature of this province for regulating the militia thereof."

Observations in explanation.

As the House of Assembly voted the salaries and contingencies of the militia staff, for the half year ending the 31st of December 1828, on being required to do so, and no objection has ever been made out to the charge, there is every reason to believe that the clause would have been withdrawn, and a new bill have passed the Legislature, simply providing for the expense.

N^o 7.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of Saint Lewis,
Quebec, 19th December 1829.

Having deemed it essential that the militia of the province should be placed on a footing of greater efficiency than that in which I had found it on assuming the administration of the Government, I have the honour to inform you that I recommended the subject to the consideration of the Legislature in my speech to both branches on the opening of the last session.

The subject was accordingly taken up by the House of Assembly at an early period of the session, and a special committee of the House appointed, with instructions " to inquire into all laws which may now be in force, or alleged to be in force, concerning the militia, and also into its present state, and to report their observations and opinions thereon to the House."

In the state of excitement which prevailed in the province, in consequence of the numerous dismissals which had taken place in the militia in the years 1827 and 1828, in which dismissals several of the influential members of the House were included, it was scarcely to be expected that a very dispassionate view would be taken by the committee of the matter thus referred to them; and you will observe by the printed copy of the report made by them to the House, which I have the honour herewith to transmit to you, that they took occasion in their report to animadvert in very strong terms on these dismissals, affirming that, in consequence of that measure, the impression had become general in the country that the holding of militia commissions was to be made subservient to political purposes, and declaring their own conviction that the revival of the militia ordinances of 1787 and 1789 had been made use of to give effect to that system. They recommended accordingly that a new and efficient regulation of the militia should be established by law as speedily as possible, such a measure being necessary for the safety and well-being of the province, " but that the law should be of a nature the least onerous possible to the great body of the population, and particularly that it should remedy and effectually guard against the abuses by which the militia has been assailed by authority, in a way (as the committee conceived) deeply injurious to His Majesty's service, and the security of the province."—(page 13.)

The committee also made a second report to the House (page 137,) in which they submitted the heads of a bill for the future regulation and government of the militia, but which they recommended should not then pass into a law, deeming it proper (as stated in the report) that those interested in the subject should have an opportunity of expressing their opinion thereon previous to its being adopted; they proposed accordingly that a new militia bill should be introduced similar to that which had expired on the 1st of May 1827, to continue the militia laws for a *limited* period, but that a clause should be inserted therein to declare all militia commissions issued subsequently to the 1st of May 1827, null and void, and that all commissions previously issued should be held to be valid as they stood at that date.

A militia bill was accordingly brought into the House of Assembly, and passed that body, being simply a revival of the former militia law, but containing a clause to the purport recommended by the committee, the effect of which would have been to restore to their commissions all those officers who had been dismissed by Lord Dalhousie, since the expiring of the old militia law and revival of the militia ordinances of 1787 and 1789, and to annul all appointments made since that time.

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AND GOVERNORS OF UPPER AND LOWER CANADA. 9

This objectionable clause being struck out in the Legislative Council occasioned the loss of the bill, as I had the honour to report to you at the time in my despatch, N° 29, of the 27th of March, to which, and to the paper N° 1, that accompanied it, I beg leave to refer.

No militia bill having passed during the session, matters have of course remained in the same state as last year, and the usual reviews took place in the summer, under the authority of the militia ordinances of 1787 and 1789.

Having in a former despatch, dated the 26th of February, had the honour to inform you of the applications which had been made to me for redress by a number of militia officers, who had been dismissed by Lord Dalhousie, and of the nature of the answers which I had deemed it expedient to give them, viz. that I felt it impossible to interfere with the acts which had taken place previous to my assuming the administration of the government, but that what had passed should not operate to their disadvantage hereafter; I think it right to apprise you of an impression which I fear is very prevalent in the province, with regard to these dismissals, being very desirous of being informed of your sentiments *as to the mode* of restoring, as opportunities may offer, some of these gentlemen to their former situations.

It has been of course always my intention, in accordance with the profession conveyed in my answers to the applications on the subject, to replace in their former commands, as vacancies might occur, such of those persons as from their stations in society might be qualified to hold commissions in the militia, and I had not anticipated any difficulty in doing so; but these gentlemen having been all dismissed by the late Governor in Chief in the exercise of the prerogative with which he was invested by His Majesty, it appeared to me that, in conformity with the spirit of the answers alluded to, I could only consider them as standing in the same situation as any other gentlemen in the country, and that, were I simply to reinstate any of them in the rank they before held, without issuing a new commission in each instance, it would in fact be interfering with the acts of my predecessor, which I had distinctly stated I could not do, besides exposing me to applications from every individual who had been dismissed, none of whose claims could in such a case be rejected without inquiry.

It however unfortunately happens that several of the influential of the dismissed officers (members of the Assembly) have adopted the opinion, which I had before the honour to inform you is maintained by a powerful party in the House, (although such opinion is not expressed in the report of the committee,) that the militia ordinances did not legally revive on the expiring of the old militia laws. You are aware that the law officers of the Crown were consulted on this subject, previous to any step being taken, and that the opinion given by them was subsequently confirmed by a judgment of the court of King's Bench, but this adjudication of the highest court in the country, which must be considered as final, has not been sufficient to remove the doubts expressed by some gentlemen; and according to them, as no law existed for the regulation of the militia since the 1st of May 1827, all the dismissals since that period were illegal, and I have reason to know that many of the dismissed officers would refuse to be restored to their former stations, except under the old commission which they before held.

The opinions thus so perseveringly maintained, will show you the extreme excitement which has prevailed and still exists on the subject in question; you may believe that no exertions on my part shall be wanting to conciliate, and if possible to remove such an impression, but unless I should receive some instructions from you, I shall be indisposed to depart from the rule I have laid down in respect to the restoration of any of the gentlemen in question.

I shall not fail, in the approaching session, to renew my recommendation to the Legislature, to adopt some measure to give greater efficiency to the militia force, and I trust that it may be attended with a better result than before, but at all events, the new division which has been lately made of the province into counties, by the bill for extending the representation, will enable me to re-organize the militia according to the several counties; this arrangement, by increasing the number of battalions, will not only be in itself an improvement, but will also of course afford opportunities of bringing in many of the officers, who it may be deemed expedient to restore.

I have the honour to be, Sir,

Your most obedient humble Servant,
(signed) JAMES KEMPT.

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N° 8.—COPY of a Despatch from Secretary Sir George Murray, to Lieutenant General Sir James Kempt.

SIR, Downing Street, London, 29th September 1828.

Your Excellency has been selected by the King to assume the government of Lower Canada, at a period of unusual difficulty and importance.

It would be invidious, and for my immediate purpose it is not necessary, to investigate the causes of that discontent which has unfortunately so strongly manifested itself of late years in the House of Assembly, but which I am willing to hope is not generally felt by the rest of His Majesty's subjects in the province. It is far more important to inquire by what means a good understanding can be re-established between the different branches of the Legislature, and I am persuaded that no exertion will be spared by yourself to promote conciliation by measures in which the undoubted prerogatives of His Majesty and the constitutional privileges of the House of Assembly will be equally respected.

His Majesty has received too many proofs of the loyalty and attachment of His Canadian subjects, to doubt their cheerful concurrence in every effort which your Excellency may make to reconcile those differences which must always be produced when extreme rights are insisted upon by either party; and he looks forward with hope to a period when, by the return of tranquillity, the Legislative Council and Assembly will be able to bestow their undivided attention upon the best methods of advancing the prosperity and developing the resources of the extensive and valuable territories comprised within your government.

As I feel it, however, to be necessary that your Excellency should as far as possible be relieved from the responsibility attendant upon any measures to be adopted for the adjustment of the questions in controversy between the House of Assembly and your predecessors in office, it is the object of my present despatch to communicate to you the views of His Majesty's Government upon different branches of this subject: and here it will be proper for me to remark, that as the complete settlement of the affairs of the province cannot be effected but with the aid of Parliament, I shall confine myself at present to the discussion of those points alone which can no longer be left undecided without extreme disadvantage to the interests of the province.

Among the most material of these points, the first to be adverted to is the proper disposal of the financial resources of the country; and with the view of obviating all future misunderstanding on this subject, I shall endeavour to mark out the limits within which your interference in this matter ought properly to be confined.

The Acts of 1774 (14 Geo 3, c. 83 & 88) and of 1791 (31 Geo 3, c. 31), upon which the present constitution of the Canadas depends, have laid down many general rules which, I need scarcely remark, no authority but that of Parliament can relax. So long, therefore, as those statutes remain in force, His Majesty's Government has no choice but to execute their provisions, according to that interpretation which they have received from judicial decisions, or from the official reports of the chief law officers of the Crown. I am precluded, therefore, for the present, from inquiring how far it might be expedient that the duties raised under the statute 14 Geo. 3, c. 88, should be directly controlled by the House of Assembly of the province. The law, as interpreted by the highest authorities to which it has been possible to resort, imposes upon the Lords Commissioners of His Majesty's Treasury the duty of making that appropriation.

The proceeds of the above-mentioned duties and of the territorial revenue of the Crown, with the produce of fines, forfeitures, and other incidents of that nature, appear to constitute, however, the only fund which His Majesty's Government can lawfully apply at its discretion to the defraying the expenses of the civil government, and those of the administration of justice in the province. It is therefore to be understood for the future, as a fixed and unalterable principle, that, with the exception of the funds already mentioned, no part of the public revenue of Lower Canada must be applied to the public service, nor to any object whatever, except in pursuance of an Act of appropriation passed by the three branches of the local Legislature.

I am by no means insensible to the consequence which must necessarily result from the recognition and the observance of this principle. So long as the Assembly is called upon to provide for and to regulate any portion of the public expenditure, it will virtually acquire a control over the whole. If the entire charge of the civil

government

government of the province could be limited to the amount of the Crown revenues, it might be possible to act without any dependence on the Assembly. But whether such a result would be desirable, or would be really conducive to the welfare of the province at large, it is unnecessary for me to inquire. It is sufficient to say, that under the existing law, the Executive Government of Lower Canada cannot be relieved from a state of virtual pecuniary dependence upon the Assembly by any constitutional means, and methods of a different nature must not be resorted to.

By the existing state of things the Government of Lower Canada is placed in this peculiar situation, that the appropriation of a part of the revenue applicable to its expenses is by Act of Parliament allotted to the Crown, which cannot divest itself of the duty imposed upon it by that Act; whilst at the same time a supplemental part of the revenue of the province, which is required to meet the expenses of its civil government, must be the result of a vote of the House of Assembly, and that House acquires necessarily, therefore, an indirect control over the whole.

The expediency of extricating the Government of Lower Canada from this difficulty, as also the means of effecting that object, should it be deemed advisable, is a matter for the discussion of Parliament.

But it is necessary to adopt some immediate decision for your guidance in the approaching session of the Provincial Assembly, with reference to this important matter. I should be most unwilling to leave you in the very painful predicament of addressing that body in terms which might be considered unsatisfactory, from the uncertainty which they held out as to the future, or which might seem to convey a reflection on the measures of your predecessors in the government; and as it would be very difficult for you, uninformed as you at present are as to the intentions of His Majesty's Government, to select any language which might not be open to misconstruction, I have deemed it most expedient to prepare and to transmit to you the draft, which I have the honour herewith to enclose, of an address to be made by yourself to both branches of the Legislature, upon the subject of the revenue for the current year. This document will sufficiently indicate to you the present views and intentions of His Majesty's Government upon this subject. Your Excellency will either incorporate this passage into your speech at the opening of the session, or you will make it the subject of a separate address, as you may find most convenient. You will further consider yourself at perfect liberty to make all such alterations in the particular expressions of the enclosed paper as may be requisite for the correction of any errors as to matters of fact into which I may possibly have fallen, adhering however to the general meaning and spirit of the language I have employed.

The complaints which have reached this office respecting the inadequate security given by the receiver-general and by the sheriffs for the due application of public money in their hands, have not escaped the very serious attention of the Ministers of the Crown. The most effectual security against abuses of this nature would be to prevent the accumulation of balances in the hands of public accountants, by obliging them to exhibit their accounts to some competent authority, at short intervals, and immediately to pay over the ascertained balance; the proof of having punctually performed this duty should be made the indispensable condition of their receiving their salaries, and of their continuance in office.

In the colony of New South Wales a regulation of this nature has been established, under His Majesty's instructions to the Governor of that settlement; and it has been productive of great public convenience. If a similar practice were introduced in Lower Canada for the regulation of the office of receiver-general and for that of sheriff, the only apparent difficulty would be to find a safe place of deposit for their balances. I am, however, authorized to state that the Lords Commissioners of His Majesty's Treasury will hold themselves responsible to the province for any sums which the receiver-general or sheriffs may pay over to the commissary-general. Your Excellency will therefore propose to the Legislative Council and Assembly the enactment of a law binding these officers to render account of their receipts at short intervals, and to pay over the balance in their hands to the commissary-general, upon condition that that officer shall be bound, on demand, to deliver bills on His Majesty's Treasury for the amount of his receipts. I trust that in this proposal the Legislature will find a proof of the earnest desire of His Majesty's Government to provide, as far as may be practicable, an effectual remedy for every case of real grievance.

A doubt having been suggested whether the statute for regulating the distribution, between the provinces of Upper and Lower Canada, of the duties of customs collected at the port of Quebec, had not been inadvertently repealed by the general terms of a

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later Act, that question has been set at rest by the Act of the last session of Parliament, statute 9 Geo. 4, c. 76, s. 26. Upon this subject, however, your Excellency will understand that His Majesty's Government have no desire that the interference of Parliament should be perpetuated, if the Provincial Legislatures can themselves agree upon any plan for a division of these duties which may appear to them more convenient and more equitable; and on the whole of this subject His Majesty's Government will be happy to receive such information and assistance as the Legislative Council and Assembly of the province may be able to supply.

The appointment of an agent to indicate the wishes of the inhabitants of Lower Canada, is an object of great apparent solicitude with the House of Assembly. His Majesty's Government will cheerfully accede to the desire expressed by the House of Assembly upon this head. The agent must be appointed, as in Jamaica, and in other British colonies, by name, in an Act to be passed by the Legislative Council and Assembly, and approved by your Excellency. I am persuaded that the Legislature will not make such a selection as to impose upon you the painful and invidious duty of rejecting the bill on the ground of any personal objection to the proposed agent, and of course your Excellency will not object to any gentleman who will be resident in this country, and whose station in society and established character may afford sufficient pledges for the honourable and upright discharge of his duty.

His Majesty's Government is further willing to consent to the abolition of the office of agent, as it is at present constituted, but it is trusted that the liberality of the House of Assembly will indemnify the present holder of that office, to whose conduct in this capacity no objection appears ever to have been made. Indeed, without some adequate indemnity being provided for him, it would not be compatible with justice to consent to the immediate abolition of his office.

There are many other important topics connected with the government of Lower Canada to which my attention has been called, with reference to which, however, it is impossible for the Ministers of the Crown to adopt an immediate decision, for want of sufficient information. Among these subjects may be enumerated the mischiefs which are said to result from the system of tacit mortgages, effected by a general acknowledgment of a debt before a notary, the objectionable and expensive forms of conveyancing said to be in use in the townships, the necessity of a registration of deeds, and the want of proper courts for the decision of causes arising in the townships. It is obvious that regulations affecting matters of this nature can be most effectually made by the local Legislature. Your Excellency will therefore direct their attention to the subjects which I have mentioned, as matters which require their early and most serious attention; and you will afford every assistance in your power towards the elucidation of every question which may arise for discussion in the Legislature connected with any of these topics.

It is represented that the statute (6 Geo. 4, c. 59) for the mutation of tenures has hitherto proved inoperative, in consequence of some deficiency in the instructions which were transmitted from this office to your predecessor in the government. I have not been able to learn what is the defect complained of in those instructions; but as the subject is of great importance, your Excellency will report to me whether any and what instructions remain to be given on the subject of this Act, which would facilitate the proposed change of tenure; what are the obstacles which have hitherto prevented the success of the measure, and in what manner those obstacles can be most effectually surmounted.

I am very sensible of the great inconvenience which has been sustained owing to the large tracts of land which have been suffered to remain in a waste and unimproved condition, in consequence of the neglect or of the poverty of the grantees. It were much to be desired that the laws in force in Upper Canada, for levying a tax upon wild land on which the settlement duties had not been performed, were adopted also in the Lower Province, and your Excellency will press the subject upon the attention of the Legislative Council and Assembly with that view.

Great dissatisfaction appears to have been expressed at the manner in which the revenue of the estates of the suppressed order of Jesuits has been applied. Upon this subject, however, I can procure no information sufficiently exact and copious to serve as the foundation for any definite opinion. Your Excellency will therefore have the goodness to report to me what is the extent and value of these estates; what is the gross average annual return from them; what are the deductions to which it is subject, and what is the average net income, and to what particular objects that income

income is applied. You will further report, what are the methods at present adopted for applying the revenue towards the education of youth, and whether by any change in those methods the same end might not be answered more effectually for the general benefit of the province, and with more general approbation from the inhabitants at large. It will be fit also to consider whether the revenue itself might not be increased by a commutation of the feudal tenure upon which I apprehend the land to be at present held.

The constitution of the Legislative and Executive Councils is another subject which has undergone considerable discussion, but upon which His Majesty's Government must suspend their opinion until I shall have received some authentic information from your Excellency. You will, therefore, have the goodness to report to me, whether it would be expedient to make any alteration in the general constitution of those bodies, and especially how far it would be desirable to introduce a larger proportion of members not holding offices at the pleasure of the Crown; and if it should be considered desirable, how far it may be practicable to find a sufficient number of persons of respectability of this description.

The next topic upon which I must request your Excellency to furnish me with information, is that of the clergy reserves. You are of course aware of the warm discussions to which this subject has given rise in Upper Canada; and with a view to some general adjustment of this question, it is necessary that I should receive as complete information as can be obtained as to the extent and value of these lands; the means of most effectually and speedily rendering them a source of profit; the real extent of the inconvenience to which, by their means, the settlers in their vicinity are exposed; the possibility of providing any equivalent and less objectionable mode of maintaining a Protestant clergy; and the numerical proportion, as far as it can be ascertained, which the adherents of the churches of England and Scotland respectively bear to each other, and to other denominations of Christians in the province.

I have thus adverted in order to the various topics connected with the government of Lower Canada, upon which I find that any dissension has recently arisen in that province. One topic, indeed, more material than any other, may seem to have been omitted. I mean the inequality which appears to exist in the present system of representation, and the practical exclusion of the inhabitants of the townships from all share in the legislation of the province. This, however, is a subject on which I am unwilling to enlarge, because without the assistance of Parliament no effectual remedy can be applied, and the present discussion of the question, while it would answer no useful purpose, might tend to excite those feelings which it is my earnest desire to allay. I confine myself, therefore, to desiring that your Excellency will inform me what would be the best principle upon which, in your judgment, the province of Lower Canada could be divided for the purpose of representation, supposing that division were now for the first time to be made; and what would be the probable effect of introducing into Lower Canada the law respecting representation, which has been established in the Upper Province.

In concluding this despatch, I would wish to impress upon your Excellency, and through you upon the members of the Provincial Government, and more especially upon the Executive and Legislative Councils, the necessity of cultivating a spirit of conciliation towards the House of Assembly and of terminating, if possible, those dissensions with which the province has been too long agitated. The first step towards effecting this desirable object must be an oblivion of all past jealousies, and that step will, I trust, lead to a cordial concurrence in all measures calculated to advance the common good, in whatever quarter such measures may happen to originate. His Majesty relies, for the amicable adjustment of the various questions which have been so long in dispute, upon the loyalty and attachment hitherto evinced by His Canadian subjects at large, and on that of their representatives in the House of Assembly; upon the zeal and the upright intentions of the members of Council; and upon your own wisdom and moderation, happily combined, also, with a long personal acquaintance with the province which you have been appointed to govern. When the undivided attention of the Executive Government and Legislature shall be given to the advancement of the general interests of the province, in a spirit of cordial co-operation, there is no reason to doubt that Lower Canada will rapidly advance in prosperity, and emulate ere long the most opulent and flourishing provinces of the North American continent.

I have, &c.

(signed) G. MURRAY.

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Draft of part of a Speech.

I am commanded by His Majesty to acquaint you that the discussions which have occurred for some years past between the different branches of the Legislature of this province, respecting the appropriation of the revenue, have engaged His Majesty's serious attention, and that he has directed careful inquiry to be made in what manner those questions may be finally adjusted, with a due regard to the prerogative of the Crown, as well as to your constitutional privileges, and to the general welfare of His faithful subjects in Lower Canada.

I have it further in command to state, that the statutes passed in the 14th and 31st years of the reign of his late Majesty have imposed upon the Lords Commissioners of His Majesty's Treasury the duty of appropriating the produce of the revenue granted to His Majesty by the first of those statutes, and that whilst the law shall continue unaltered by the same authority by which it was framed, His Majesty is not authorized to place that revenue under the direct control of the Legislature of this province.

The proceeds of the revenue arising from these duties, and from the provincial statute 35 Geo. 3, c. 9, may be estimated for the current year at the sum of £. The produce of the casual and territorial revenue of the Crown, and of fines and forfeitures, may be estimated for the same period at the sum of £. These several sums, making together the sum of £., constitute the whole estimated revenue arising in this province, which the law has placed at the disposition of the Crown.

His Majesty has been pleased to direct, that from this collective revenue of £. the salary of the officer administering the government of the province, and the salaries of the judges, shall be defrayed. But His Majesty being graciously disposed to mark in the strongest manner the confidence which He reposes in the liberality and affection of His faithful Commons of this province, has been pleased to command me to announce to you, that no further appropriation of any part of this revenue will be made until I shall have been enabled to become acquainted with the sentiments of the Legislative Council and House of Assembly of the province, as to the most advantageous mode in which it can be applied to the public service. And it will be gratifying to His Majesty, if the recommendation made to the Executive Government of the province on this subject shall be such as it may be able with propriety, and with due attention to the interests and the efficiency of His Majesty's Government, to adopt.

His Majesty fully relies upon the liberality of His faithful Commons of Lower Canada, to make such further provision as the exigencies of the public service of the province (and for which the amount of the Crown revenues above mentioned may prove inadequate) may require.

The balance of money in the hands of the receiver-general, which is not placed by law at the disposal of the Crown, must await the appropriation which it may be the pleasure of the Provincial Legislature to make.

I am further commanded to recommend to you the enactment of a law for the indemnity of any persons who have heretofore, without legal authority, signed or acted in obedience to warrants for the appropriation to the public service of any unappropriated monies of this province. And His Majesty anticipates that you will, by an acquiescence with this recommendation, show that you cheerfully concur with Him in the efforts which He is now making for the establishment of a permanent good understanding between the different branches of the Executive and Legislative Government.

The proposals which I have been instructed thus to make to you, for the adjustment of the pecuniary affairs of the province, are intended to meet the difficulties of the present year, and I trust they may be found effectual for that purpose.

His Majesty has, however, further commanded me to acquaint you, that a scheme for the permanent settlement of the financial concerns of Lower Canada is in contemplation, and His Majesty entertains no doubt of such a result being attainable as will prove conducive to the general welfare of the province, and satisfactory to His faithful Canadian subjects.

N° 9.—COPY of a Despatch from Secretary Sir George Murray to Major General Sir John Colborne.

SIR,

Downing Street, 29th Sept. 1828.

I have the honour herewith to transmit to you the copy of a despatch, with its enclosure, which I have addressed to Sir James Kempt, administering the government of Lower Canada. As this despatch explains the views of His Majesty's Government upon some topics of great importance connected with the government of Lower Canada, it has appeared to me necessary that you should be apprised of its contents with the least possible delay. However widely the circumstances of the two provinces may in some respects differ, there is so close a resemblance in the general principles and forms of their government, and so intimate a relation between them, that no considerable measure which may be adopted in the one, can be without its effect in the other.

Upon several of the subjects, however, noticed in my despatch to Sir James Kempt, it is unnecessary that I should make any observations to your Excellency, since those embarrassments, which have grown out of the distinctions of religion and of lineage in Lower Canada, do not exist in the Upper Province.

I shall, therefore, confine myself on the present occasion to the following topics:—the revenue, the clergy reserves, education, the Executive and Legislative Councils, and the appointment of an agent. These are subjects in which the two Canadas are both interested, and it will probably be found necessary, therefore, to act upon some common principle with regard to them in the two provinces.

I do not find that the question of the right of the Crown to the appropriation for the public service of the revenue arising from the statute 14 Géo. 3, c. 88, has ever been brought into question in Upper Canada. The Provincial Government, acting under instructions from this department, or in pursuance of warrants from the Lords Commissioners of the Treasury, have applied this money to the public service, without any claim having been put forward on the part of the House of Assembly to control the appropriation. Your Excellency is aware that in Lower Canada the Assembly have not only disputed the right of the Crown as a mere abstract question, but have adopted strong practical measures towards establishing a control over the appropriation of the whole of this revenue. The cause of this distinction between the proceedings of the two provinces appears to have been, that in Lower Canada, the Crown, being unable to sustain the entire public expenditure, had annually to apply for aid to the Assembly, and thus brought the whole of the revenue and expenditure virtually within its cognizance. In Upper Canada, as I understand, the revenue of the Crown has hitherto proved adequate to the support of the civil government and of the administration of justice; and no occasion has, therefore, arisen for financial discussions of a similar nature between the Local Government and the House of Assembly.

On referring to my despatch to Sir James Kempt, it will be perceived that His Majesty's Government has not acknowledged the right of the House of Assembly of Lower Canada to participate in the appropriation of the revenue above alluded to, but has rather maintained, in conformity with the opinions of the principal law officers of the Crown, that this is a duty confided to His Majesty by Parliament, and of which, without the previous sanction of Parliament, the Crown cannot divest itself.

It is impossible not to perceive, however, that discussions may arise in Upper Canada in regard to the method which has hitherto been pursued for appropriating this revenue, and that your Excellency may be pressed with claims to which your predecessors in office have not been exposed. It is with a view to this contingency, that I have thought it peculiarly necessary to supply you with the instructions given to Sir James Kempt upon this subject, that they may serve as a guide to yourself if necessary.

And in that case, you will make to the Legislative Council and House of Assembly a communication corresponding, as closely as circumstances will admit, to the address which I have authorized Sir James Kempt to make to the Legislature of Lower Canada.

But should the contingency above adverted to not occur, no communication need of course be made of the instructions with which I have deemed it expedient that you should be furnished with reference to this subject.

On the subject of clergy reserves, I have to acknowledge the receipt of a despatch from Sir Peregrine Maitland, dated the 12th of May, enclosing an

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address from the House of Assembly to His Majesty, praying that the monies arising from the sale of lands set apart in the province for the support and maintenance of a Protestant clergy, may be placed at the disposal of the Legislature of the province, for defraying the expense of certain public works for the internal improvement of the country, and for the promotion of general education.

In this address it is stated that only a small proportion of the inhabitants of the province are members of the church of England, and that the university recently established under the royal charter will produce no practical benefit to the majority of the people, but will be regarded with distrust in consequence of the peculiar privileges which it confers upon members of the English church; it is therefore desired that a new charter may be granted upon more comprehensive principles.

Your Excellency will acquaint the House of Assembly that I have laid their address before the King, and that I have it in command to convey, through you, to the House, the expression of His Majesty's satisfaction in the assurances of loyalty and attachment to His person and government, which are contained in this address. You will further assure them that His Majesty will at all times receive with the most serious attention any representation which may be made to Him by the representatives of His faithful subjects in Upper Canada, in the Provincial Parliament assembled, for advancing the prosperity of this important and interesting portion of His dominions.

Your Excellency is, however, aware that the existing Acts of Parliament have placed in the hands of His Majesty's Government a very limited discretionary authority respecting the appropriation of the clergy reserves, or the proceeds arising from their sale: in case of its being deemed proper, however, to bring the whole of this subject under the revision of Parliament, with a view to the amendment of the existing statutes, it will be desirable that I should be provided with returns from your Excellency on the subject of the clergy reserves in Upper Canada, similar to those which I have directed Sir James Kempt to transmit to me with reference to the reserves in the Lower Province.

It would be deservedly a subject of regret to His Majesty's Government if the university recently established at York should prove to have been founded upon principles which cannot be made to accord with the general feelings and opinions of those for whose advantage it was intended.

I have observed that your predecessor in the government of Upper Canada differs from the House of Assembly as to the general prevalence of objections to the university, founded upon the degree of exclusive connection which it has with the church of England; it seems reasonable to conclude, however, that on such a subject as this, an address adopted by a full House of Assembly, with scarcely any dissentient voices, must be considered to express the prevailing opinion in the province upon this subject.

In the event, therefore, of its appearing to you to be proper to invite the Legislative Council and Assembly to resume the consideration of this question, you will apprise them that their representations on the existing charter of the university have attracted the serious attention of His Majesty's Government; and that the opinions which may be expressed by the Legislative Council and House of Assembly on that subject will not fail to receive the most prompt and serious attention.

I have further to acknowledge a despatch from Sir Peregrine Maitland, dated the 15th May last, enclosing an address from the House of Assembly to His Majesty, praying that the chief justice of Upper Canada may no longer be a member of the Executive Council, and that the judges may be rendered independent both of the Crown and of the people. I have had the honor to lay this address before the King, which His Majesty has been pleased to receive very graciously.

I am, however, to observe to your Excellency, that on the subject of the independence of the judges, by which I presume is meant their being commissioned to hold office during good behaviour, and not during pleasure, there are at this moment difficulties to which the Assembly may not perhaps have adverted. In a society so limited in numerical amount, so much dispersed over an extensive territory, and so liable from its popular institutions to be divided into parties, it would, I fear, be very difficult to provide any effective control upon the conduct of a judge who was totally exempt from all personal dependence. The wholesome restraint of public opinion, and even the dread of actual impeachment, might fail sometimes to have sufficient effect upon the mind of a judge, who should, under such circumstances, be actuated by an undue desire of popularity, or be ambitious of the unbecoming distinction, in his station, of figuring as the leader of a party. It

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is however, with a view solely to the welfare of the province, and to the impartial administration of justice, that His Majesty's Government hesitates to remove from the judges in Upper Canada their direct responsibility to the Crown; that responsibility will be enforced, however, only upon the most serious occasions, and a time may be expected to arrive when the proposed change in the commissions of the judges may very properly be made.

But for the present, I conceive that the interests of the province in this matter will be best consulted by postponing the proposed alteration.

With reference to the chief justice retaining his seat in the Executive Council, your Excellency will have the goodness to consider the instruction which I have conveyed to Sir James Kempt upon the subject of councils, as virtually addressed to yourself, and you will transmit to me a report upon that question, embracing the several topics to which I have directed him to advert.

The House of Assembly of Upper Canada have not, so far as I am aware, expressed a wish for the appointment of an agent in Europe: but if they should deem that measure expedient, you will acquiesce in their wishes, subject only to those conditions which I have required in my despatch to Sir James Kempt.

I have the honour to be, Sir,

Your most obedient humble Servant,

(signed) G. MURRAY.

N° 10. —COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

Castle of Saint Louis,

Quebec, 22d November 1828.

SIR,

I have the satisfaction to acquaint you, that I yesterday opened the session of the Provincial Parliament of this province, by a speech addressed to the Legislative Council and House of Assembly, of which the enclosed is a copy.

I have the honour likewise to transmit some printed copies of the speech, as well as of the proceedings that took place previous to the delivery of the same. My time only permits me to make this hasty communication at present; I shall however have the honour to address you a despatch more in detail by the earliest opportunity.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) JAMES KEMPT.

Speech of his Excellency Lieutenant General Sir James Kempt, G. C. B., at the opening of the Provincial Parliament of Lower Canada.

Quebec, 21 November 1828.

Gentlemen of the Legislative Council;

Gentlemen of the House of Assembly:

His Majesty having been most graciously pleased to confide to me the government of this important colony, it affords me great satisfaction to meet you in Provincial Parliament.

Placed in a situation of so much importance, at a period of peculiar difficulty, I cannot but feel that very arduous duties are imposed upon me; duties, indeed, which I should despair of being able to discharge to the satisfaction of His Majesty, and His faithful and loyal subjects the inhabitants of this province, if I did not look forward with a sanguine hope to the enjoyment of your confidence, and your cordial co-operation in my administration of the government.

Without a good understanding between the different branches of the Legislature, the public affairs of the colony cannot prosper, the evils which are now experienced cannot be effectually cured, the prosperity and welfare of His Majesty's Canadian subjects cannot be promoted, and you may therefore believe that no exertions will be spared on my part to promote conciliation, by measures in which the undoubted prerogatives of the Crown and your constitutional privileges will be equally respected.

His Majesty's Government have, however, relieved me from the responsibility attendant upon any measures to be adopted for the adjustment of the financial difficulties that have unfortunately occurred; and I shall take an early opportunity

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of conveying to you by message a communication from His Majesty, which I have been specially commanded to make to you upon the subject of the appropriation of the provincial revenue.

It will be my duty to lay at the same time before you the views of His Majesty's Government upon other topics connected with the government of this province, to which the attention of the Ministers of the Crown has been called. You will see in them proofs of the earnest desire of His Majesty's Government to provide, as far as may be practicable, an effectual remedy for any case of real grievance; and you may rely on my affording you every assistance towards the elucidation of any questions which may arise for discussion in the course of your proceedings.

Gentlemen of the House of Assembly :

I shall direct the accounts of the provincial revenue and expenditure for the last two years to be laid before you as soon as possible, with every explanation respecting them which it is in my power to afford you.

Gentlemen of the Legislative Council ;

Gentlemen of the House of Assembly :

Relying on your zeal and diligence in the discharge of your legislative duties, I feel persuaded that you will give your immediate attention to the renewal of such useful Acts as may recently have expired, and indeed to all matters of public interest that may appear to be of pressing necessity and importance.

Possessing as yet but an imperfect knowledge of the great interests of the province, and the wants of its inhabitants, I refrain at the present time from recommending to you measures of public improvement which it will be my duty to bring under your consideration at a future day. In all countries, however, good roads and other internal communications, a general system of education established upon sound principles, and a well organized efficient militia force, are found to be so conducive to the prosperity, the happiness, and the security of their inhabitants, that I may be permitted to mention them at present as objects of prominent utility.

But as oblivion of all past jealousies and dissensions is the first great step towards improvement of any kind, and when that is happily accomplished, and the undivided attention of the Executive Government and the Legislature shall be given to the advancement of the general interests of the province, in a spirit of cordial co-operation, there is no reason to doubt that Lower Canada will rapidly advance in prosperity, and emulate ere long the most opulent and flourishing portions of the North American continent.

N° 11.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

Castle of Saint Louis,
Quebec, 28th November 1828.

SIR,

I had the honour of acknowledging, on the 15th instant, the receipt of your despatch (N° 1.) of the 29th of September last, communicating to me the views of His Majesty's Government on various subjects of great importance connected with the government of this province, and conveying instructions for my guidance in bringing the same under the consideration of the Provincial Parliament. It becomes my duty now to report to you the manner in which these instructions have been obeyed.

The Provincial Parliament met on the 21st instant, as announced to you in my letter of the 22d instant; and I had at the same time the honour of transmitting to you a copy of the speech with which I opened the session.

I thought it best for several reasons not to incorporate in the speech the address respecting the revenue enclosed in your despatch, but merely to state in a general way that I had received His Majesty's commands to make a special communication to the Provincial Parliament upon that subject, and other important topics to which the attention of His Majesty's Government had been called.

I have accordingly made this communication to both Houses of the Legislature, and I have the honour herewith to transmit for your information a copy of the message I this day addressed to the Assembly.

You will observe that the draft which accompanied your despatch is therein inserted, and the blanks filled up with the estimated revenue at the disposal of the Crown for the ensuing year; it amounts altogether, as you will see, to 38,100 £ sterling,

AND GOVERNORS OF UPPER AND LOWER CANADA. 19

sterling, including however the duties levied under the provincial statute 41 Geo. 3, c. 13 and 14, which you had omitted to notice; indeed the Act produced no revenue whatever till within the last two years.

The message also contains the substance, or rather a literal copy of your despatch, upon all the subjects which I deemed it right to communicate to the Legislature. I did not think it prudent to advert in any way to those topics on which you desire me to furnish you with information, apprehending that the discussion of them at the *present time* would answer no good purpose whatever. The topics to which I allude are, the mutation of tenures under the statute 6 Geo. 4, c. 59, the Jesuits estates, the constitution of the Legislative and Executive Councils, the clergy reserves, and the representation of the townships. To all these important matters, I shall not fail to give my best attention; but the subjects being quite new to me, it will require time to obtain the information which you desire, and which it will be my endeavour to communicate to you with as little delay as possible.

I have the honour to be,

(signed) JAMES KEMPT.

(signed) JAMES KEMPT.

His Excellency, the administrator of the government, avails himself of the earliest opportunity of conveying to the House of Assembly the following communication, which he has received the King's commands to make to the Provincial Parliament.

In laying the same before the House of Assembly, his Excellency is commanded by His Majesty to state, that His Majesty has received too many proofs of the loyalty and attachment of His Canadian subjects to doubt their cheerful acquiescence in every effort which His Majesty's Government shall make to reconcile past differences; and He looks forward with hope to a period when, by the return of harmony, all branches of the Legislature will be able to bestow their undivided attention on the best method of advancing the prosperity and developing the resources of the extensive and valuable territories comprised within His Majesty's Canadian provinces.

With a view to the adjustment of the questions in controversy, His Majesty's Government has communicated to his Excellency its views on different branches of this important subject; but as the complete settlement of the affairs of the province cannot be effected but with the aid of the Imperial Parliament, the instructions of his Excellency are at present confined to the discussion of those points alone which can no longer be left undecided without extreme disadvantage to the interests of the province.

Among the most material of those points, the first to be adverted to is, the proper disposal of the financial resources of the country; and with the view of obviating all future misunderstanding on this matter, His Majesty's Government have prescribed to his Excellency the limits within which his communications to the Legislature on this matter are to be confined.

His Excellency is commanded by His Majesty to acquaint the House of Assembly, that the discussions which have occurred for some years past between the different branches of the Legislature of this province, respecting the appropriation of the revenue, have engaged His Majesty's serious attention; and that He has directed careful inquiry to be made in what manner these questions may be finally adjusted with a due regard to the prerogative of the Crown, as well as to their constitutional privileges, and to the general welfare of His faithful subjects in Lower Canada.

His Excellency is further commanded to state, that the statutes passed in the 14th and 31st years of the reign of his late Majesty have imposed upon the Lords Commissioners of His Majesty's Treasury the duty of appropriating the produce of the revenue granted to His Majesty by the first of the statutes; and that whilst the law shall continue unaltered by the same authority by which it was framed, His Majesty is not authorized to place the revenue under the direct control of the Legislature of this province.

The proceeds of the revenue arising from the Act of the Imperial Parliament 14 Geo. 3, together with the sum appropriated by the provincial statute 35 Geo. 3,
and

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and the duties levied under the provincial statutes 41 Geo 3, c. 13 and 14, may be estimated for the current year at the sum of 34,700 l. ^(a)

The produce of the casual and territorial revenue of the Crown, and of fines and forfeitures, may be estimated, for the same period, at the sum of 3,400 l. ^(b)

These several sums, making together the sum of 38,100 l., constitute the whole estimated revenue arising in this province which the law has placed at the disposal of the Crown.

His Majesty has been pleased to direct, that from this collective revenue of 38,100 l. the salary of the officer administering the government of the province, and the salaries of the judges, shall be defrayed. But His Majesty being graciously disposed to mark in the strongest manner the confidence which He reposes in the liberality and affection of His faithful Commons of this province, has been pleased to command his Excellency to announce to the Assembly, that no further appropriation of any part of this revenue will be made until his Excellency shall have been enabled to become acquainted with their sentiments as to the most advantageous mode in which it can be applied to the public service ; and it will be gratifying to His Majesty if the recommendation made to the Executive Government of the province on this subject shall be such as it may be able, with propriety, and with due attention to the interests and the efficiency of His Majesty's Government, to adopt.

His Majesty fully relies upon the liberality of His faithful Commons of Lower Canada to make such further provision as the exigencies of the public service of the province (for which the amount of the Crown revenues above mentioned may prove inadequate) may require.

The balance of money in the hands of the receiver-general, which is not placed by law at the disposal of the Crown, must await the appropriation which it may be the pleasure of the Provincial Legislature to make.

His Excellency is further commanded by His Majesty to recommend to the Assembly the enactment of a law for the indemnity of any persons who have heretofore, without legal authority, signed or acted in obedience to warrants for the appropriation to the public service of any unappropriated monies of this province ; and His Majesty anticipates that they will, by an acquiescence in this recommendation, show that they cheerfully concur with him in the efforts which he is now making for the establishment of a permanent good understanding between the different branches of the Executive and Legislative Government.

The proposals which his Excellency has been thus instructed to make for the adjustment of the pecuniary affairs of the province are intended to meet the difficulties of the ensuing year, and he trusts they may be found effectual for that purpose.

His Majesty has, however, further commanded his Excellency to acquaint the Assembly that a scheme for the permanent settlement of the financial concerns of Lower Canada is in contemplation, and His Majesty entertains no doubt of such a result being attainable as will prove conducive to the general welfare of the province, and satisfactory to His faithful Canadian subjects.

The complaints which have reached His Majesty's Government respecting the inadequate security heretofore given by the receiver-general, and by the sheriffs, for the due application of the public monies in their hands, have not escaped the very serious attention of the Ministers of the Crown.

It has appeared to His Majesty's Government that the most effectual security against abuses in these departments would be found in enforcing, in this province, a strict adherence to a system established under His Majesty's instructions in other colonies, for preventing the accumulation of balances in the hands of public accountants, by obliging them to exhibit their accounts to a competent authority at short intervals, and immediately to pay over the ascertained balance into a safe place of deposit, and in order to obviate the difficulty arising from the want of such place of deposit in Lower Canada, his Excellency is authorized to state that the Lords Commissioners of His Majesty's Treasury will hold themselves responsible to

(^a) 14 Geo. 3. - - - -	£. 25,500	(^b) Casual Revenue - - -	£. 3,000
35 Geo. 3. - - - -	5,000	Fines and Forfeitures - -	400
41 Geo. 3. - - - -	4,200		
	<u>£. 34,700</u>		<u>£. 3,400</u>

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the province for any sums which the receiver-general or the sheriffs may pay over to the commissary-general; and his Excellency is instructed to propose to the Assembly, the enactment of a law binding those officers to pay over to the commissary-general such balances as upon rendering their accounts to the competent authority shall appear to be remaining in their hands, over and above what may be required for the current demands upon their respective offices; such payments being made on condition that the commissary-general shall be bound, on demand to deliver bills on His Majesty's Treasury for the amount of his receipts.

His Excellency is further instructed to acquaint the Assembly, that although it was found necessary by an Act passed in the last session of the Imperial Parliament, 9 Geo. 4, c. 76, s. 26, to set at rest doubts which had arisen whether the statute for regulating the distribution, between the provinces of Upper and Lower Canada, of the duties of customs collected at Quebec, had not been inadvertently repealed by the general terms of an Act of a later date, His Majesty's Government have no desire that the interference of Parliament in this matter should be perpetuated, if the Provincial Legislatures can themselves agree upon any plan for a division of these duties, which may appear to them more convenient and more equitable; and on the whole of this subject His Majesty's Government will be happy to receive such information and assistance as the Assembly of this province may be able to supply.

The appointment of an agent in England to indicate the wishes of the inhabitants of Lower Canada, appearing to be an object of great solicitude with the Assembly, His Majesty's Government will cheerfully accede to the desire expressed by the Assembly upon this head, provided that such agent be appointed, as in other British colonies, by name, in an Act to be passed by the Legislative Council and Assembly, and approved by the Executive Government of the province; and His Majesty's Government are persuaded that the Legislature will not make such a selection as to impose upon the Government the painful and invidious duty of rejecting the bill, on the ground of any personal objection to the proposed agent.

His Majesty's Government is further willing to consent to the abolition of the office of agent, as it is at present constituted; but it is trusted that the liberality of the Assembly will indemnify the present holder of this office, to whose conduct in that capacity no objection appears ever to have been made; indeed, without some adequate indemnity being provided for him, it would not be compatible with justice to consent to the immediate abolition of his office.

His Majesty's Government being very sensible of the great inconvenience which has been sustained, owing to the large tracts of land which have been suffered to remain in a waste and unimproved condition, in consequence of the neglect or the poverty of the grantees; it has appeared to His Majesty's Government to be desirable that the laws in force in Upper Canada, for levying a tax upon wild land on which the settlement duties had not been performed, should be adopted in this province, and his Excellency is instructed to press this subject on the attention of the Assembly with that view.

The attention of His Majesty's Government has also been drawn to several other important topics; among which may be enumerated, the mischiefs which are said to result from the system of tacit mortgages effected by a general acknowledgment of a debt before a notary; the objectionable and expensive form of conveyancing said to be in use in the townships; the necessity of a registration of deeds, and the want of proper courts for the decision of causes arising in the townships. Regulations affecting matters of this nature can obviously be most effectually made by the Provincial Legislature, and his Excellency is commanded to draw the attention of the Assembly to these subjects, as matters requiring their early and most serious attention.

In conclusion, his Excellency has been commanded to state, that His Majesty relies for an amicable adjustment of the various questions which have been so long in dispute, upon the loyalty and attachment hitherto evinced by His Majesty's Canadian subjects, and on that of the Provincial Parliament, and that His Majesty entertains no doubt of the cordial concurrence of the Assembly in all measures calculated to promote the common good, in whatever quarter such measures may happen to originate.

Castle of St. Louis,
28th Nov. 1828.

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N° 12.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of Saint Louis,
Quebec, 28th November 1828.

Having had the honour to transmit to you a copy of the speech with which I opened the present session of the Provincial Parliament on the 21st instant, I now take leave to enclose for your information, copies of the addresses presented to me by the Legislative Council and Assembly, in answer to the same, together with my replies to both Houses.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) JAMES KEMPT.

To his Excellency Sir James Kempt, Knight Grand Cross of the most honourable Military Order of the Bath, Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to return your Excellency our humble thanks for your speech from the Throne. At the same time we desire to express our gratitude to His Majesty for having chosen an officer of your Excellency's distinguished character, talents and experience, to administer the government of this province.

The important situation to which His Majesty has been pleased to appoint your Excellency is at this period one of peculiar difficulty; but the confidence we place in your Excellency's qualifications leaves no doubt on our minds of your fulfilling the duties of your high office to the satisfaction of His Majesty, and the benefit of his faithful and loyal subjects in this province; and we beg leave to assure your Excellency of our cordial co-operation in your Excellency's administration of the government.

The exertions of your Excellency towards conciliation, and the re-establishment of a good understanding between the different branches of the Legislature, will not fail materially to promote the prosperity of the country; and we have the fullest confidence that your Excellency's measures will be so directed as to maintain alike the prerogatives of the Crown, and the constitutional privileges of both Houses of the Provincial Parliament.

We shall receive with respectful attention such communications from His Majesty, upon the subject of the appropriation of the provincial revenue, and of the views of His Majesty's Ministers upon such other topics connected with the government of the province, as your Excellency shall be pleased to lay before us; and we thank your Excellency for the assurance of your assistance in the elucidation of such questions as may arise in the course of our proceedings.

Your Excellency may be assured of our giving immediate attention to the renewal of such Acts as have recently expired, and to all matters of public interest, as shall appear of pressing necessity and importance; and on all occasions, when your Excellency shall be pleased to recommend to us measures of public improvement, we shall not fail to give them our most serious consideration.

We justly appreciate the great advantages to be derived from good roads and other internal communications; and we coincide with your Excellency in opinion, that a liberal system of education, and a well organized and efficient militia force, are indispensable to the happiness and security of the inhabitants of this province. We shall, therefore, with zeal and assiduity endeavour to promote these very important objects to which your Excellency has been pleased to direct our attention.

We trust your Excellency will find us earnestly disposed to proceed in a spirit of harmony and conciliation to the dispatch of public business; and it will be to us a source of the purest satisfaction to co-operate in your Excellency's enlightened views, for the general interests of the province, to remove all cause of jealousy and dissension, where such may be found to exist, and to contribute by every other means in our power to render this part of the British dominions one of the most opulent and flourishing portions of the American continent.

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Legislative Council, Saturday, 22d November 1828.

Ordered—That the Honourable Messrs. Hale and Debartzch do wait on his Excellency the Governor in Chief, humbly to know what time his Excellency will be pleased to appoint to be attended by the whole House with the said address.

Attest.

(signed) *Wm. Smith.*

To which his Excellency was pleased to return the following answer :

Gentlemen,

I thank you most sincerely for this very gratifying address.

In discharging the duties of my station, the prosperity of the province, and the happiness of its inhabitants, will be the great objects of my endeavours; and I receive with peculiar satisfaction the assurance which you are pleased to give me of your cordial co-operation in my administration of the government.

To his Excellency Sir James Kempt, G. C. B., Administrator of the Government of the Province of Lower Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Assembly of the province of Lower Canada, in Provincial Parliament assembled, humbly thank your Excellency for the speech which you have been pleased to address from the Throne to both Houses of the Legislature, at the opening of the present session of the Provincial Parliament.

Your Excellency's presence among us, in the elevated character of the representative of a beloved Sovereign, gives high satisfaction. We acknowledge with pleasure, that in confiding to your Excellency the government of this important colony, His Majesty has given us a fresh proof of his paternal solicitude, and of his royal benevolence towards his dutiful Canadian subjects; and that as in placing you in a situation of such high importance, at a time of peculiar difficulty, His Majesty has in a striking manner signalized the high confidence which he reposes in your Excellency, so will we second the wishes of our gracious Sovereign, by a cordial and confiding co-operation with your Excellency in your administration of the Government; and that, however arduous may be the duties imposed upon you, we have no doubt whatever that your Excellency will discharge them to the satisfaction of His Majesty, and his faithful subjects the inhabitants of this province.

The experience of several years, and the present situation of this province, unhappily prove too clearly that without a good understanding among the several branches of the Legislature it is impossible that the colony should prosper, alike impossible to remedy the evils now experienced, and to promote the prosperity and welfare of His Majesty's Canadian subjects; and your Excellency may be assured that we shall hail with pleasure and eagerly second your Excellency's endeavours to establish conciliation by measures in which the undoubted prerogatives of the Crown, and the constitutional privileges of the people of this province, will be equally respected.

We learn with the liveliest interest that His Majesty's Government has occupied itself with our provincial difficulties, so as to relieve your Excellency from all responsibility attendant upon any measures to be adopted for their adjustment; we have no doubt whatever that those measures have been dictated by the same spirit of justice which has guided His Majesty's Imperial Government in its conduct towards this country; and your Excellency may rest assured that we shall give our most respectful consideration to the communication from His Majesty's Government, which your Excellency intends to convey to us, upon the subject of the appropriation of the provincial revenue.

We are persuaded that good roads, and other means of internal communication, a general system of education established on sound principles, an effective militia legally organized and sufficiently protected from the abuse of arbitrary authority, singularly contribute to the prosperity, welfare and security of a country. We shall not fail to deliberate maturely upon matters of such high importance; and

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the sentiments expressed by your Excellency lead us to hope that we shall apply to them with effect. We shall pay respectful attention to such recommendations as your Excellency may hereafter make to us upon other measures of public improvement ; and we feel assured that they will ever be founded on the high interests of the province and the wants of its inhabitants.

We have ever been convinced of the justice and liberality of His Majesty's Government, and we believe it really desires to remedy as far as possible, the grievances we have to complain of, of which we find a striking, and to us a very consolatory proof, in the result of the petitions recently laid before His Majesty's Imperial Government, by a very large majority of our constituents, against the multiplied and deeply rooted grievances which have long retarded the progress and prolonged the infancy and weakness of this colony. As soon as the inhabitants of Lower Canada made known to the King the sufferings of the country, and suggested the remedy for those evils, as soon as their humble petitions were laid at the foot of the Throne, the Sovereign, ever inclined towards *constantly faithful subjects*, positively ordered that those petitions should be forthwith submitted to the supreme tribunal of the empire. The charges and well founded complaints of the Canadians before that august senate, were referred to a Committee of the House of Commons, *indicated* by the Colonial Minister; that Committee, exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formally applauded almost all the reforms which the Canadian people and their representatives demanded and still fervently demand. After a solemn investigation, after deep and prolonged deliberation, the Committee made a report, an imperishable monument of their justice and profound wisdom, an authentic testimonial of the reality of our grievances and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this report, so honourable to its authors, His Majesty's Government has become better than ever acquainted with the true situation of this province, and can better than ever remedy existing grievances, and obviate difficulties for the future. We feel assured that your Excellency has it personally at heart to provide for the contentment and welfare of the inhabitants of this province ; and we cannot doubt of the weight which the recommendations and testimony of a distinguished officer, whose public career has merited and obtained success by rendering important services to the country, must have with His Majesty. By the concurrence of all these circumstances, we observe in your Excellency a combination of means and facilities for effecting good, such as none of your predecessors has possessed. We shall receive with respectful confidence, and shall consider with mature reflection, the views of His Majesty's Government upon the several topics connected with the government of this province, to which the attention of His Majesty's Ministers has been applied. We consider these topics as of the highest importance to the tranquillity and welfare of the inhabitants of this province ; and we humbly thank your Excellency for the assistance which you are pleased to offer towards the elucidation of any questions which may arise for discussion in the course of our proceedings. We are sincerely grieved at the arbitrary and manifestly illegal acts, which, by depriving the province of the aid of its Legislature during the whole of last year, have occasioned very grievous evils, and put your Excellency under the necessity of laying before us the accounts of provincial revenue and expenditure for two years, instead of one only. We nevertheless assure your Excellency that we shall apply the most scrupulous attention to those accounts when your Excellency shall have laid them before us, and that we shall gratefully avail ourselves of any explanations which your Excellency may please to communicate to us respecting them.

We respectfully assure your Excellency, that the sole but infallible remedy for the jealousies and dissensions of which an oblivion is assuredly the first step towards improvement of every kind, is a conciliatory, impartial and constitutional administration, such as we confidently expect from your Excellency ; and in that consolatory hope we shall make every endeavour, in order that the Executive Government and the Legislature may apply their undivided attention to the advancement of the general interest in a spirit of cordial co-operation ; and we doubt not with such advantages Lower Canada will rapidly advance towards prosperity, and emulate ere long the most opulent and flourishing portions of the North American continent.

To

To which his Excellency was pleased to return the following answer :

Gentlemen,

I sincerely thank you for this address, which I receive with feelings of high satisfaction.

It is very gratifying to me to learn that your sentiments so entirely accord with my own upon the points to which I have adverted upon opening the session, and to receive the assurance which you are now pleased to give me of your zealous co-operation of my administration of the government. You do His Majesty but justice in believing he has never ceased to feel an affectionate regard and paternal solicitude for the welfare of his faithful Canadian subjects ; and you may be assured that I have nothing so earnestly at heart as to promote their happiness and prosperity by every means in my power.

N° 13.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of St. Louis,
Quebec, 13th December 1828.

In my despatch, N° 17, of the 28th ultimo, I had the honour of transmitting, for your information, the copy of a message which I sent on that day to both Houses of the Provincial Parliament, communicating to them the substance of your despatch of the 29th September, upon the subject of the Provincial Revenue, and other matters of great importance to which the attention of His Majesty's Government had been called.

I have now the honour to inform you that the Legislative Council and Assembly acknowledged this communication in the usual manner on the following day ; and it further becomes my duty to transmit to you the enclosed address of the Lower House, which was presented to me yesterday, together with the accompanying Resolutions, which I have been requested to transmit to His Majesty's Government.

I had entertained a hope that the House of Assembly would have been disposed to accede to the arrangement suggested in the message, in respect to the appropriation of the revenue, after the public declaration of His Majesty's sentiments and gracious intentions, and of His Majesty's inability to divest himself of duties which the Acts of the 14th and 31st of the late reign had imposed upon the Crown, so long as the first of these statutes shall continue unaltered by the same authority by which it was framed ; but you will see by these Resolutions, that the Assembly deny the right of the Crown to appropriate, through the Lords of the Treasury, the duties levied under the 14 Geo. 3, or any other duties levied in the province, without their direct superintendence and control, although the statutes under which they are levied may have placed the duties at His Majesty's disposal.

Upon this question I do not venture to give any opinion. It has engaged the attention of His Majesty's Ministers, and the highest judicial authorities in England ; and His Majesty's Government will doubtless take such measures upon the occasion as may appear to them to be proper and expedient ; but I am very desirous of receiving instructions from you for my guidance, as to the mode and manner of my accepting of the sums required (in addition to the revenue at the disposal of the Crown) to defray the expenses of the Government.

I have been given to understand that the Appropriation Bill, accepted by Sir Francis Burton in 1825, will be proposed to me in the present session ; but it was deemed by Lord Bathurst to compromise the rights of the Crown ; and being in possession of his Lordship's despatch of the 4th of June 1825, and the sentiments of His Majesty's present Ministers, as to the undoubted right of the Crown to appropriate the revenue placed by law at the disposal of His Majesty, I shall not consider myself authorized to sanction any measure of a similar nature, if proposed to me, without instructions from you to do so.

I send this despatch by the way of New York, thinking it of importance that you should be in put in possession of the Resolutions of the House of Assembly,
73- herewith

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herewith transmitted, with as little delay as possible ; and I shall hope to be honoured with a communication from you, in answer to the same, in the course of the month of March.

I have the honour to be, &c.

(signed) JAMES KEMPT.

To his Excellency Sir James Kempt, Knight Grand Cross of the most honourable Military Order of the Bath, Lieutenant General and Commander in Chief of all His Majesty's forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several Dependencies, and in the Island of Newfoundland, and Administrator of the Government of the Province of Lower Canada, &c. &c. &c. :

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons of the province of Lower Canada, ever anxious to accede to His Majesty's gracious intentions for the happiness and prosperity of His faithful Canadian subjects, have most respectfully taken into consideration your Excellency's message of the 28th of November last, and have come to certain Resolutions as expressive of our sentiments on the important matters therein contained.

We most humbly pray your Excellency to receive these Resolutions, which we have now most respectfully to present ; and that your Excellency would be pleased to transmit the same to His Majesty's Government, with our humble assurance of a sincere desire to merit a continuance of His Majesty's confidence in our loyalty and duty.

(signed) *L. J. Papineau*,
Speaker of the House of Assembly.

House of Assembly, Lower Canada,
Saturday, 6th Dec. 1828.

Resolved, That this House has derived the greatest satisfaction from the gracious expression of His Majesty's beneficent views towards this province, and from the earnest desire of his Excellency, the administrator of the government, to promote the peace, welfare and good government of the province, as evinced in his Excellency's message of Friday last.

Resolved, That this House has nevertheless observed with great concern, that it may be inferred from the expression of that part of the said message which relates to the appropriation of the revenue, that the pretension put forth at the commencement of the late administration to the disposal of a large portion of the revenue of this province, may be persisted in.

Resolved, That under no circumstances, and upon no considerations whatsoever, ought this House to abandon, or in any way compromise, its inherent and constitutional rights, as a branch of the Provincial Parliament representing His Majesty's subjects in this colony, to superintend and control the receipt and expenditure of the whole public revenue arising within this province.

Resolved, That any legislative enactment in this matter by the Parliament of the United Kingdom, in which His Majesty's subjects in this province are not and cannot be represented, unless it were for the repeal of such British statutes, or any part of British statutes, as may be held by His Majesty's Government to militate against the constitutional right of the subject in this colony, could in no way tend to a settlement of the affairs of the province.

Resolved, That no interference of the British Legislature with the established constitution and laws of this province, excepting on such points as, from the relation between the mother country and the Canadas, can only be disposed of by the paramount authority of the British Parliament, can in any way tend to a final adjustment of any difficulties or misunderstandings which may exist in this province, but rather to aggravate and perpetuate them.

Resolved,

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Resolved, That in order to meet the difficulties of the ensuing year, and to second the gracious intentions of His Majesty for the permanent settlement of the financial concerns of the province, with due regard to the interests and efficiency of His Government, this House will most respectfully consider any estimate for the necessary expenses of the civil government for the ensuing year, which may be laid before it, confidently trusting that in any such estimate a due regard will be had to that economy which the present circumstances of the country and its other wants require.

Resolved, That on the permanent settlement before mentioned being effected with the consent of this House, it will be expedient to render the governor, lieutenant-governor, or person administering the government for the time being, the judges and executive councillors, independent of the annual vote of this House, to the extent of their present salaries.

Resolved, That although this House feels most grateful for the increased security against the illegal application of the public money which must result from His Majesty's Government referring all persons who may have been concerned in such application, to an Act of Indemnity to be consented to by this House, it will be inexpedient to consent to any such enactment till the full extent and character of such illegal applications may have been fully inquired into and considered.

Resolved, That this House feels the most sincere gratitude for His Majesty's solicitude to effect the most perfect security against the recurrence of abuses on the part of persons entrusted with public monies in this province.

Resolved, That this House has not complained, nor have any complaints been made known to it, respecting the arbitration for the distribution, between the provinces of Upper and Lower Canada, of the duties collected in Lower Canada; but that in this, as in every other respect, this House will most cheerfully co-operate in every equitable and constitutional measure which may be submitted to it, as desirable by the inhabitants of Upper Canada.

Resolved, That this House has seen with sentiments of the highest satisfaction and gratitude, the declaration of the willingness of His Majesty's Government cheerfully to accede to the desire which the Assembly has so frequently expressed during the last twenty years, of having an agent in England to indicate the wishes of the inhabitants of Lower Canada: that it is expedient to provide for such an appointment without delay.

Resolved, That so soon as the scheme in contemplation of His Majesty's Government for the permanent settlement of the financial concerns of the province shall have been made known and considered, it may be expedient to provide some adequate indemnity to such persons as were placed on the civil establishment of this province with salaries prior to the year 1818, and whose offices may have been found to be unnecessary or required to be abolished.

Resolved, That this House will cheerfully concur in any measure which may appear most likely to be successful in effectually removing the great inconvenience which has been sustained from the non-performance of the duties of settlement by grantees or holders of land obtained from the Crown, and otherwise remove the obstructions to the settlement of the country, which may have resulted or may hereafter result from the manner in which the powers and superintendence of the Crown in this most essential particular, as affecting the general prosperity of the province, may have been exercised.

Resolved, That it is the desire of this House to take as speedily as possible every means in its power, that the inhabitants of the townships, upon a subdivision of the counties in which they are situated by Act of the Provincial Parliament, shall have a full and equitable representation in this House of persons of their own free choice, and that the House will cheerfully concur in every measure particularly interesting to the townships which may appear to be the most desirable to their inhabitants, and the most conducive to the general welfare.

Resolved, That this House is fully sensible of the distinguished mark of confidence reposed in the loyalty and attachment hitherto evinced by His Majesty's Canadian subjects, and their representatives in the Provincial Parliament, by His Majesty's declaration that he relies on them for an amicable adjustment of the various questions which have been so long in dispute.

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Resolved, That amongst these questions not particularly mentioned on the present occasion, this House holds as most desirable to be adjusted and most essential to the future peace, welfare and good government of the province : viz.

The independence of the judges and their removal from the political business of the province ; the responsibility and accountability of public officers ; a greater independence of support from the public revenues, and more intimate connection with the interest of the colony, in the composition of the Legislative Council ; the application of the late property of the Jesuits to the purposes of general education ; the removal of all obstructions to the settlement of the country, particularly by crown and clergy reserves remaining unoccupied in the neighbourhood of roads and settlements, and exempt from the common burthens ; and a diligent inquiry into and a ready redress of all grievances and abuses which may be found to exist, or which may have been petitioned against by the subjects in this province, thereby assuring to all the invaluable benefit of an impartial, conciliatory and constitutional government, and restoring a well-founded and reciprocal confidence between the governors and the governed.

Attest. *W^m B. Lindsay,*
Dep^y Clerk of Ass^y.

N^o 14.—Copy of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of St. Louis,
Quebec, 5th February 1829.

I have the honour herewith to transmit to you an address which was presented to me this day by the Legislative Council of this province ; and in compliance with the request therein expressed, I also transmit the exposition which accompanied it.

I have the honour to be, &c. &c. &c.

(signed) JAMES KEMPT.

To His Excellency Sir James Kempt, Knight Grand Cross of the most honourable Order of the Bath, Lieutenant General and Commander of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, and in the Island of Newfoundland, and Administrator of the said Province of Lower Canada :

May it please your Excellency,

His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, beg leave to approach your Excellency, for the purpose of laying before you an exposition of such parts of their public conduct as have been made subjects of animadversion on the proceedings had before the Select Committee of the House of Commons, appointed to inquire into the state of the civil government in Canada, and in the report of that Committee.

These proceedings were entirely *ex parte* ; yet they have been printed by order of the House of Commons, and ordered by the Assembly to be reprinted in English and French, for public circulation, and entered "in perpetuam rei memoriam," in the Appendix to their Journal.

The Legislative Council, under these circumstances, have felt it to be imperiously their duty to adopt the course which they are now pursuing. Their silence might be construed to be an acknowledgment of the truth of the calumnious and injurious accusations which are contained in these proceedings ; and to such an imputation they cannot submit.

The Legislative Council therefore most humbly pray, that your Excellency will be pleased to transmit, with all convenient speed, to the Right honourable the Secretary of State for the Colonial Department, the accompanying exposition of their motives and conduct, to the end that such course may be adopted therein as to

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His Majesty's ministers may seem most fitting, for the more effectual maintenance of the honour, the integrity, the constitutional rights, and the independence of this House.

Legislative Council Chamber,
4th February 1829.

Signed by order,
J. Sewell, Speaker.

AN Exposition by the Legislative Council of Lower Canada, in vindication of such parts of their public conduct as have been made subjects of animadversion in the proceedings had before the Select Committee of the House of Commons, appointed to inquire into the state of the Civil Government in Canada, and in the Report of that Committee of the 22d day of July 1828.

THE Legislative Council of the Province of Lower Canada have seen, with surprise and regret, in the proceedings had before the Select Committee of the Honourable The House of Commons, appointed in the last session to inquire into the state of the civil government of Canada, as established by the Act 31 Geo. 3, c. 31, and in the Report of the said Committee founded thereon, insinuations and opinions which deeply affect their public character, and call for observations, which they trust will effectually show that the imputations preferred against the honour and constitution of the Legislative Council, to which they refer, are entirely without foundation.

The Legislative Council have been guided, in the important trust confided to them, as a co-ordinate and independent branch of the Provincial Legislature, by the general principles of the British constitution, under a limited monarchy, and by the practice of the Houses of Lords and Commons, as being, from analogy, and in other respects, the most fit to govern their proceedings under the abovementioned Act, which established the provincial constitution of Lower and Upper Canada, with a closer approximation to the British model than that of any other colony.

It is therefore a source of the greatest concern to the Legislative Council, that their proceedings should be considered as having been improperly influenced, and that the rejection of or refusal to concur in bills passed by the Assembly should be attributed to such influence, when no instance can be adduced in which any member of this House has been influenced by the King's late representative, or any other of his Majesty's representatives in Lower Canada, against any measure proceeding from the Assembly; and by reference to the Journals of this House, it will be found that members of the Legislative Council, holding offices with salaries, and others holding seats in the Executive Council, have frequently voted and protested against bills and other measures alleged to be acceptable to government, which were passed by a majority, including members who held no office under government.

It must not escape attention, that the contest between the Legislative bodies in Lower Canada has involved principles, and not mere forms, and that those principles which have governed the Legislative Council cannot be abandoned, unless an Act of the Imperial Parliament shall alter the present provincial constitution, and direct a change of proceeding; for the Legislative Council never can consent to degrade themselves into a body acting as if merely instituted *pro forma* to register the decisions of another branch of the legislature, instead of one constitutionally and expressly established to check encroachments, either of the Crown or the people, and to bear a part in the important duties of legislation. To fulfil those high duties they necessarily must exercise the right of free and independent discussion, deliberation and decision, upon all public measures submitted to them; and such a course of conduct they consider as entitled to approbation, instead of censure, either direct or implied.

For an exposition of the principles and reasons which induced them to reject four bills of Supply and Indemnity, sent up by the Assembly in 1823, the Legislative Council refer to a Report of a Committee of their House of the year 1823, and the Address to His Majesty of the 6th March 1824, founded thereon.

One important point of difficulty was the revenue raised in this province, under the Act of the British Parliament, 14 Geo. 3, c. 88; and here the Legislative Council contend, that in their construction of that Act, they are borne out by its plain meaning, by the confirmation of it by subsequent Acts, by the opinion of the law officers of the Crown, and by his Majesty's message to the Legislative Council

Vide Appendix,
No. 1.

Ibid, No. 2.

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of the 28th November last, nor can any other construction be adopted without involving consequences the most inconsistent with any just and reasonable principle of interpretation; for if the appropriation of the duties levied under that Act could be considered as abolished by the 18th Geo. 3, c. 12, the power to levy them must also be held to have been abrogated, and it would follow, that all that has been collected since 1778 must, in such case, have been unlawfully taken; but the Legislative Council have uniformly held, that it is legally beyond the power of the Provincial Legislature to alter or apply those duties by any vote of theirs, nor can they be touched but by the same authority that imposed them; and they have always proceeded upon that principle.

The Legislative Council have derived further argument, in confirmation of this principle, from a grant of 5,000*l.* sterling a year having been permanently appropriated by the Provincial Act, 35 Geo. 3, c. 9, "towards further defraying the expenses of the administration of justice, and of the support of the civil government in the province." The terms of this Provincial Act furnish additional proof of the continued and present existence of the revenue and appropriation under the 14th Geo. 3, and of the propriety of the construction for which the Legislative Council contend, since the Provincial Act uses the very words of appropriation contained in the other, and designates the grant as a further appropriation, or in addition to that made by the British statute; for there was no other Provincial Act at that period for raising and applying revenue for those purposes to which this *further grant* could be taken to refer.

But the Assembly having attempted to make an annual appropriation as well of the monies levied under those two Acts, although already permanently appropriated, as of the King's casual and territorial revenue, it appeared to the Legislative Council that this attempt of the Assembly to interfere in the application of the revenues under the 14 Geo. 3, c. 88, amounted to a denial of the right of the British Parliament to impose and continue the duties in question, and was a direct attack upon its acknowledged and necessary supremacy. And the Legislative Council have further maintained, that appropriations once made by the whole legislature are clearly paramount, and not to be changed by a vote of one branch of it, and that the Assembly can have no other power of interference than to see that they are applied to the purposes intended.

Another claim of the Assembly which the Legislative Council have firmly resisted, as tending to the assumption of the substantial powers of the executive government is, that of making every public officer annually dependent upon the popular branch of the legislature for his salary; but the council contend for the establishment of a civil list, by which a reasonable security may be afforded to the officers of Government for the recompence due to their services, in conformity to the practice of the United Kingdom.

The application of this principle as to salaries will be best illustrated by the votes of the Committee of the Assembly in 1825, and the Bill of Supply founded thereon, by which votes the salaries of the lieutenant-governor of Gaspé, and of the French translator to government were left unprovided for, although established and paid before the present constitution existed, that of the latter office being granted under the King's sign manual in 1775, and by the same votes the Assembly refused to provide for the allowance to the judges for circuits, being a part of their established emoluments, and for other heads of expense, all of which they had allowed in the appropriation for 1818, but disallowed in 1825, without substituting any indemnity to the incumbents of those offices for the injury they thus sustained, as invariably practised in the mother country. The reduction of the judges emoluments, though they had been previously sanctioned by the Assembly, and though the remuneration of those functionaries was already below the standard at which their ordinary and unceasing labours ought in fairness and reason to be rated, appeared to the Legislative Council to be not only contrary to justice and consistency but destructive of judicial independence.

With respect to the Supply Bills passed by the Assembly in 1825 and 1826, the Legislative Council deem it proper to observe that the first of those Bills was concurred in by a great majority of the council. But the Governor-in-Chief having, on the 14th day of March 1826, transmitted to both Houses of the Provincial Legislature a copy of a despatch from the Secretary of State, dated 4th June 1825, addressed to the lieutenant-governor while in the administration of the government of this province, entirely disapproving of that bill; the last paragraph of which despatch is in the following words: "As the bill is limited to one year, I shall

not

not think it necessary to recommend to His Majesty to disallow it, but confine myself to instructing His Majesty's representative in the province of Lower Canada not to sanction any measure of a similar nature." The Legislative Council therefore, when a similar bill was sent up to them in the session of 1826, amended the same; the consequence of which was, that the Assembly upon its being returned to them did not proceed upon it, and it was lost, although they proceeded upon other bills amended, and returned them at the same time, and even introduced and passed a new bill relating to the trade with the United States.

The Legislative Council have never denied to the Assembly the right of originating all appropriations of money not before appropriated when constitutionally required, but in such cases they deny that the Assembly have a right to consider their vote on grants so originated as conclusive, until it shall have been concurred in by the Legislative Council and assented to by the representative of the Sovereign.

That the system of judicature in Lower Canada requires revision and amendment to adapt it to the extended and increasing population of the province, is universally admitted, and the constitution of the Court of Appeals especially requires alteration in order to substitute a permanent for a fluctuating tribunal, a defect which must continue while there is no connecting and controlling tribunal to be resorted to short of the King in Council, a resource too remote, except upon extraordinary occasions; whereas the Legislative Council maintain that a permanent court of appeals in Lower Canada, exercising also a criminal jurisdiction for the whole province, would remedy the principal defects of the present system, and by producing uniformity of decisions and practice, tend to diminish the number of appeals in civil causes to the provincial court, and still more to the King in Council.

The Legislative Council, therefore, convinced that an amended and improved judicature bill would be in the highest degree advantageous to this province, has twice under recommendations from His Majesty's representative taken that subject into consideration, and sent down to the other House bills for the amendment of the Judicature Act, upon a system calculated, in their opinion, to remedy the evils complained of and felt, but they never were returned from that House with or without amendments.

The Assembly indeed, in the year 1826, sent up to the Legislative Council a bill for certain amendments to the judicature, in respect to inferior objects, without comprehending those of higher moment; but its enactments appeared to the Legislative Council so incapable of execution, that after attempting to amend it to such an extent as to change it in almost every important part; the bill with the amendments was printed for the information of the legislature, yet, towards the close of the following session, the same bill as before was sent up by the Assembly without attention to any of the amendments proposed by the Legislative Council.

One object of the bill thus persisted in was the appointment of an additional number of judges, without making any new or additional provision for paying them; and it carried the jurisdiction in civil cases into local subdivisions of the province, with the idea of introducing jury trials in those subdivisions without any preliminary provisions adapted and indispensably necessary for effecting this purpose, such as court-houses and other requisite local establishments, so that the professed object would have been unattainable, while the principal evils of the present system were left wholly without remedy.

The Legislative Council have studiously endeavoured, without success, to introduce various improvements, by bills for establishing register offices, for explaining and amending the laws applicable to the tenure in free and common soccage, for quieting titles acquired by transfer of lands held by that tenure, and for adapting thereto the forms of future transfers and alienations, as authorized not only by the Canada Tenures Act, 6 Geo. IV, c. 56, but by the Constitutional Act, 31 Geo. 3, c. 31. They even confined the proposed bills for establishing register offices to the soccage lands, so as to avoid the application thereof to the lands held under French laws in the seigniories; but these efforts did not meet with the concurrence of the Assembly.

The Legislative Council admit, that they found it necessary to oppose a bill sent up by the Assembly, for a new division of the province, so far as it related to an increase of the representation, which would have been delusive as to any remedy it professed to afford for the long existing and neglected complaints of the population in the townships, this bill proposed to add thirty-eight members to the present

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number of fifty, of which thirty-eight members it is certain that not more than five would, under the new division projected by the bill, have been chosen by the townships.

Another point of essential difference between the Legislative Council and Assembly relates to the duration of laws. The Legislative Council considering that all acts, not in their nature experimental, should be permanent, while the Assembly have endeavoured to make every act temporary. As an example of their adherence to this practice, the Legislative Council refer to the instance of the act for regulating the militia of the province, an object assuredly of permanent importance, unless the public defence be considered a matter of indifference. The militia was first organized under a perpetual ordinance, yet unrepealed, which was passed before the existence of the present constitution. The Assembly have at various times since amended this ordinance by temporary acts, which, in two instances, also contained enactments repealing it; and, in the last instance, introduced a clause foreign to the bill, whereby a separate act containing an appropriation of money for payment of the militia staff, was declared to be null and void, though not repealed. The Legislative Council having amended the bill by striking out this clause, the Assembly refused to concur in the amendment, and the proposed temporary act having thus failed, the permanent ordinance in consequence revived.

No bill for the general regulation of fees of office was ever sent to the Legislative Council; but an attempt was made under the pretext of regulating the fees of the clerks of the markets, to set aside a permanent act which authorizes the justices of the peace in the court of quarter sessions, to make regulations of police for Quebec and Montreal, which include those fees, and this bill being a temporary one, and operating an indirect repeal of the permanent act, it was for that reason objected to by the Legislative Council.

A further proof, and there are many, of the evils attendant upon temporary acts, will be found in the instance of one which was passed to enlarge the terms fixed by the judicature act, for the trial of criminal causes at Montreal, which, in consequence of the increase of population and crime in that district, were found to be too short. The extension being proved to operate beneficially, the temporary act was once continued, and when the Assembly proposed to pass it again for a third limited period, the Legislative Council, seeing increased cause for making permanent this extension of the terms, amended the bill accordingly, to which the Assembly objected, and the bill being lost, the terms were reduced to their original duration, and special courts of oyer and terminer, though they thus become indispensably necessary, have since been made subject of complaint before the Select Committee of the House of Commons.

The Legislative Council have further to point out a remarkable difference that exists between the practice of the province of Lower Canada and that of every other British colony having a representative legislature, as to the levying and applying the public monies for general or local purposes; in other colonies a distinction is made between those purposes; but in this province none, although almost all the public revenues, with the exception of the casual and territorial revenues of the Crown, and fines and forfeitures, have arisen from duties upon importations.

In Lower Canada, the present gaols and court-houses, contrary to British and Colonial practice, have been built by public not local means; but it being considered necessary to erect more extensive gaols in Quebec and Montreal, the Legislative Council, seeing the error of the past, thought it a fit occasion to apply a remedy for the future, and accordingly rejected a bill for erecting a new gaol at Montreal, as it provided for the expense by appropriations from the public revenue, and not from local means; they contended that this expense should be defrayed by taxation of the local division or county; and that when gaols and court-houses, or other buildings of that description, shall be required in the other localities or counties of the province, the expense shall be borne in like manner by them.

The Bill for the independence of the judges would have been concurred in by the Legislative Council, had it in any degree resembled the measure recommended by His Majesty's Secretary of State, communicated by the message of the Governor in Chief to the Legislative Council and Assembly on that subject, or provided a proper allowance to the judges, upon their retirement in consequence of old age or infirmity. But, on the contrary, it made their salaries dependent on an unconstitutional

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stitutional condition, and directed them to be paid out of funds which the Council maintain that neither the Assembly nor the Provincial Legislature can legally apply; and it contained, besides other provisions foreign to its professed purpose, a clause disqualifying the judges from sitting in either Council. This was viewed by the Legislative Council as an attempted restriction upon the Royal Prerogative, directly at variance with the Constitutional Act, 31 Geo. 3, c. 31, which enables His Majesty to call to his councils such of his subjects as he may see fit; and as an unnecessary provision, in a prospective point of view, should the Crown deem it advisable in future not to call the judges to seats in either Council; and on these grounds the Legislative Council withheld their concurrence.

Copies of the message and bill above referred to are contained in the Appendix hereto.

*Vide Appendix,
No. 4.*

In respect of the exclusion of the judges from the Legislative Council, which appears to have been particularly pointed at in the Report of the Committee of the House of Commons, the Legislative Council think it right to remark, that no incongruity has hitherto resulted from their presence in the Council; on the contrary, the intelligence and assiduity of the judges have afforded most important assistance in matters of the highest moment; and this House feels it a duty to say, that their presence is necessary, inasmuch as the Legislative Council does not enjoy the advantage possessed by the House of Lords, in the attendance of the judges to give their advice and opinion on matters of law, which important distinction appears to have escaped the attention of the Committee; but in the estimation of the Legislative Council, it leads inevitably to the conclusion, that the real interests of the province will be best consulted by refraining from any attempt to change the constitution of this House, by controlling the indisputable right of His Majesty to choose the persons whom He may see fit to call to His councils.

The bill respecting the receiver-general was rejected by the Legislative Council, because it was contrary to His Majesty's instructions, restraining the Governor from giving the Royal Assent to any bill for the appropriation of public money, unless it contained a clause directing that such money should be accounted for "to His Majesty, through the Lords Commissioners of His Majesty's Treasury;" instead of which, this bill directed that all accounts of public money received, or to be received and paid, with vouchers therefor, should be delivered to a board to be appointed by the Assembly, consisting of members thereof, who were to examine and audit the same, in direct opposition to those instructions, and to the provisions contained in every bill appropriating money since the commencement of the present constitution.

The bill for incorporating the cities of Quebec and Montreal, and for an agent to reside in England, were opposed by the Legislative Council from a sincere conviction that they were not calculated to promote the true interests of the province.

The bill for establishing a qualification for justices of the peace, appeared to the Legislative Council to be inapplicable to the then state of the population, and likely to augment the number of justices unfit for that office, and diminish the number of those who are competent to it; for by the qualification proposed, many persons of intelligence, and particularly the greater part of the commercial body, would have been excluded from the commission of the peace.

Before closing this exposition of facts, the Legislative Council deem it incumbent upon them to remark on another subject of complaint against them, that in March 1827, they suspended proceedings upon several money bills for local purposes, which were sent to them by the Assembly, and which by the prorogation were finally prevented from passing. The Legislative Council avow the fact, and they assign as the reason, that the Assembly having frequently practised the sending up, at the close of the session, bills containing appropriations for local institutions, while the supply bill was kept back; the Legislative Council therefore determined in that session to bring forward all the bills for local appropriations to the same stage, and then suspend them until the public supply bill should appear, and its character be ascertained; and the Legislative Council maintain that they were right in so doing, on the ground that the public supply is entitled to precedence over every other, it being of importance to all that the Government should not be dissolved from want of means of carrying on the public service.

It would be easy for the Legislative Council to show, that in consequence of the reception of ex parte testimony by the Committee of the House of Commons, it has been assumed that many evils have grown out of the conduct or the constitution of the Legislative Council, which cannot in truth be imputable to either. But

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deeming it sufficient to have thus explained without reserve the motives of their proceedings, with respect to the bills which they are specifically accused of having neglected or rejected; and having stated the application of those motives in other particular instances, comprehending the more prominent differences between them and the other House, they entertain the hope, that they have proved how unmerited is the censure upon them, implied in the Report of the Select Committee of the Honourable the House of Commons; a censure which, with whatever moderation expressed, cannot be disconnected from the mass of evidence on which it is founded, and therefore deeply concerns the honour and independence of this House, and the grounds of their public measures.

(signed) by Order,

Legislative Council Chamber, }
4 February 1829.

J. Sewell, Speaker.

Appendix, N° 1.

Legislative Council, Thursday, 20th March 1823.

Ordered,—That two hundred copies of the proceedings of this House respecting the four indemnity bills sent up from the Assembly, with the reasons which induced the Legislative Council to reject the same, as also of the protest of this House upon concurring in the bills from the Assembly, intituled, “An Act to defray certain Arrears of Expenses appertaining to the Civil Government of the Province,” and “An Act to appropriate certain sums of Money towards enabling His Majesty to defray certain Expenses therein mentioned, appertaining to His Majesty’s Civil Government of this Province, for the year 1823,” be printed in both languages.

Attest.

(signed) *Wm. Smith*, C.L.C.

EXTRACT from the Journals of the Legislative Council of the Province of Lower Canada.

Legislative Council, Tuesday, 11th March 1823.

The members convened were :—The Honourable Messrs. Duchesnay; Richardson; Caldwell; Ryland; Rev. J. O. Plessis, Bishop of the Roman Catholic Church of Quebec; Perrault; Burns; Coffin; De Léry; Felton.

Prayers.—The Honourable Mr. Perrault, sat Speaker by virtue of his commission.

It was then moved to resolve, That the casual and territorial revenue of the province of Quebec, established prior to the conquest; the rent arising from the King’s posts, from the forges of St. Maurice, and from the King’s wharf in the Lower Town of Quebec, are appropriated by His Majesty towards defraying the expenses of the civil government of this province.

The question of concurrence being put on this first resolution, it was unanimously resolved in the affirmative.

It was then moved to resolve, That His Majesty’s share of fines and forfeitures is in like manner appropriated in aid of the civil expenditure of this province, where a reservation thereof for the future disposition of the Provincial Legislature is not expressly made by the Act under which such fines and forfeitures are levied.

The question of concurrence being put on this second resolution, it was unanimously resolved in the affirmative.

It was then moved to resolve, That the duties collected under the Act of the Imperial Parliament of 14 Geo. 3, c. 88, are appropriated towards further defraying the charges of the administration of justice, and support of the civil government within this province, and are to be applied as directed by that Act, and by the Act of the Imperial Parliament, 3 Geo. 4, c. 119.

The question of concurrence being put on this third resolution, it was unanimously resolved in the affirmative.

It was then moved to resolve, That by the Act of the Provincial Parliament of the 35 Geo. 3, c. 9, the sum of five thousand pounds sterling per annum is placed at the disposal of His Majesty, to be applied as directed by the said Act, towards further defraying the expenses of the administration of justice, and the support of the civil government of this province.

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The question of concurrence being put on this fourth resolution, it was unanimously resolved in the affirmative.

It was then moved to resolve, That no alteration with respect to any of the funds above mentioned has arisen or can arise in consequence of the offer made by the Assembly of Lower Canada to provide for the payment of the expenses of the Civil Government of this province.

The question of concurrence being put on this fifth resolution, it was unanimously resolved in the affirmative.

The Honourable Mr. *Irvine* enters.

The order of the day being read for the second reading of the bill, intituled; "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1819."

It was moved, That the said order of the day be discharged.

The question of concurrence being put at this motion, it was unanimously resolved in the affirmative.

Moved, That the sixty-ninth standing rule and order of this House be now read.

The same was read accordingly.

It was then moved to resolve, That this House will proceed no further in the consideration of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1819."

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

The order of the day being read for the second reading of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1820."

It was moved, That the said order of the day be discharged.

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

Moved, That the sixty-ninth standing rule and order of this House be now read.

The same was read accordingly.

It was then moved to resolve, That this House will proceed no further in the consideration of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1820."

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

The order of the day being read for the second reading of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1821."

It was moved, That the said order of the day be discharged.

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

Moved, That the 69th standing rule and order of this House be now read.

The same was read accordingly.

It was then moved to resolve, That this House will proceed no further in the consideration of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1821."

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

The order of the day being read for the second reading of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year ending 1822."

It was moved, That the said order of the day be discharged.

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

Moved, that the sixty-ninth standing rule and order of this House be now read.

The same was read accordingly.

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It was then moved to resolve, That this House will proceed no further in the consideration of the bill, intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the year 1822."

The question of concurrence being put on this motion, it was unanimously resolved in the affirmative.

Wednesday, 12th March.

The members convened were, The Honourable Messrs. Duchesnay ; Richardson ; Caldwell ; Ryland ; Reverend J. O. Plessis, Bishop of the Roman Catholic Church of Quebec ; Irvine ; Perrault ; De Salaberry ; Burns ; Coffin ; De Léry ; Felton.

Prayers.—The Honourable Mr. Perrault sat Speaker.

It was moved to resolve, That the four bills sent up from the Assembly, severally intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the years 1819, 1820, 1821 and 1822," respectively do contain new matter contrary to law and provisions of the most serious import.

After debates, the question of concurrence being put on this motion, it was resolved in the affirmative.

It was then moved to resolve, That it is indispensable that the reasons which induced the Legislative Council to reject the said bills, by resolving to proceed no further thereon than the first reading of each, should be entered upon the journals of this House, to remain for a record to posterity.

The question of concurrence being put on this motion, it was resolved in the affirmative.

It was moved to resolve, That a committee of five members be appointed to frame and report to the House, with all convenient speed, the said reasons.

The question of concurrence being put on this motion, it was resolved in the affirmative.

Ordered, That the committee be the Honourable Messrs. Duchesnay, Richardson, Ryland, De Salaberry and Coffin, who are to meet and adjourn as they please.

Monday, 17th March.

The members convened were, the Honourable the Chief Justice, Speaker ; the Honourable Messrs. Duchesnay ; Richardson ; Caldwell ; Ryland ; Reverend J. O. Plessis, Bishop of the Roman Catholic church of Quebec ; Irvine ; Perrault ; Coffin ; De Léry ; Felton.

Prayers.—The Honourable Mr. *Richardson*, from the Special Committee to whom it was referred to frame and report to the House, with all convenient speed, the reasons which induced the Legislative Council to reject the four bills sent up from the Assembly, severally intituled, "An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the years 1819, 1820, 1821 and 1822," by resolving to proceed no further thereon than the first reading of each, made the following report, which he delivered in at the table.

The same being then read by the clerk, was in the words following:—

"The four bills of indemnity sent up from the Assembly contain new matter so illegal and unconstitutional in principle, and provisions of a description so serious, with titles to all of the said bills, and a preamble to one of them so alarming, that the Sovereign is thereby menaced, the supreme legislative authority questioned, and an attack made on the appropriations authorised by the Imperial Act of 14 Geo. 3, c. 88. as also upon the rights of the Crown, respecting the disposal made of the casual and territorial revenues thereof, with the fines and forfeitures thereto accruing, and upon the appropriation, permanently made by a provincial Act of Parliament of 35 Geo. 3, c. 9, of 5,000 *l.* sterling, as if all antecedent appropriations, by whatsoever authority disposed of, were considered as null, and now open to the management, disposal and discretion of the Assembly ; pretensions not warranted by the law and practice of Parliament are also assumed. The Legislative Council therefore felt it their constitutional and imperious duty, as a body interposed between the King and the people of this province, to resist all such menaces, attacks and pretensions, and

and accordingly determined not to proceed upon the aforesaid bills, so highly objectionable in every point of view.

“ In so doing, they disclaim any intentions of assuming the exercise of any right respecting purely money bills, beyond what the practice of the Imperial Parliament authorises, and have acted in the matter referred to solely from the motives above explained ; at the same time the Legislative Council waive no rights or privileges to which they have a constitutional claim, nor do they admit any claimed by the Assembly beyond that criterion.

“ The objections to those bills embrace points which affect the constitutional authority of the King, the legal supremacy of the Imperial Legislature, and what respects the rules, orders and practice of the Lords and Commons of the United Kingdom in their legislative proceedings, which have been adopted by this House.

“ The Legislative Council have for their guidance the constitutional principles of the Monarchy the general principles thereof affecting Lower Canada, in common with the other colonies of the British empire, and the particular Acts of the Imperial Parliament which refer or apply generally, by the provisions thereof, to all the British colonies, or such of the said Acts as refer or apply to this province in particular. The titles of the bills of indemnity, and one of the preambles, are highly objectionable, it being one of the first principles of the British constitution, “ that the King can do no wrong.” Indemnity implies exemption from punishment, and to indemnify His Majesty, implies that he is liable to punishment. The expression as to him is therefore unwarrantable in the extreme, but which His Majesty’s Ministers may require, if they act illegally. Those Imperial Acts of Parliament generally affecting all the colonies which do not come within the control of the legislature of any of them, although levying and appropriating certain duties for purposes therein mentioned, are 25th Charles 2, c. 7 ; 6th Geo 2, c. 13 ; 4th Geo. 3, c. 15 ; 6th Geo. 3, c. 13 ; and 6th Geo 3, c. 52, by some of which Acts are imposed what are usually denominated the Crown duties, which duties have been invariably remitted from Canada, and the other colonies, to Great Britain.

“ In respect to those acts, it is sufficient to state that they passed before the Imperial Act of 18th Geo. 3, c. 12, and are not included in the repeal contained in that last-mentioned Act, nor are they repealed by any other, unless in so far as any of them may contain provisions of repeal or alteration respecting parts of such Acts ; consequently they still remain in force : and, moreover, there is a striking circumstance respecting them, which is, that they formed no part of the alleged grievances of the former British colonies, now United States of North America, which the said Act of 18 Geo. 3, c. 12, was expressly framed to meet and remove.

“ The same remark applies to the Post-office Act, which pervades all the colonies, and the revenues whereof always were and are remitted to Great Britain, and it never was complained of by the above-said colonies, now the United States.

“ The said Act of 18 Geo. 3, c. 12, was wholly prospective, unless in so far as made retrospective by the special provision therein contained for the repeal of so much of the Act of 7 Geo. 3, c. 48, as imposed a duty on teas imported from Great Britain into any colonies in America, which positive provision for such repeal proves that no other colonial duties were intended to be repealed by that Act. That repeal had no reference whatever to the 14 Geo. 3, c. 88 ; and as the continuance of the latter Act in force has been unremitted, and the duties thereby imposed constantly levied, the appropriation of the proceeds of those duties according to the provisions of the said Act remains unchanged and unchangeable, unless altered by another Imperial Act ; for nothing can be more absurd than for an inferior and dependant power to assume a claim to the disposal of what a superior power, by a legislative act, has before disposed of. A former Provincial Parliament passed an Act in 1799 to commute or replace those duties for an equivalent, to take place when the Imperial Parliament should repeal the 14 Geo. 3, c. 88, but that not having been repealed, it was not thereby affected, and accordingly the new contemplated commutation duties never could be levied ; this is only mentioned as showing a clear provincial acknowledgment of its remaining in full force in all its provisions.

“ No general principles can be more clear, than that positive Acts of the Imperial Parliament affecting the colonies cannot be repealed by implication, or by any governor of a colony, or by the Act of any colonial legislature, even if not disavowed by the Sovereign ; for to repeal an Act of Parliament requires the like authority as that which made it, unless the original or some other Act of the

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Imperial Parliament contains an express delegation to an inferior legislature of the power to repeal a particular Act or Acts of the supreme legislature, or part thereof.

“Neither can the King’s prerogative, rights or revenues be given up or abrogated, or the applications thereof be altered from their original purposes, by the act of any governor or colonial legislature, without the express consent of the Sovereign. The like reasoning as above in respect to the Acts imposing the duties commonly called the Crown duties, applies to the Imperial Act of the 14 Geo. 3, c. 88, which was also passed before the 18th of the same reign, c. 12, and which Act of the 14th was expressly made to impose duties; and the monies thereby raised were appropriated and directed to be applied *for the defraying the expenses of the administration of justice, and the support of the civil government in the province of Quebec*; and the Lords Commissioners of His Majesty’s Treasury, or any three or more of them, for the time being, are thereby empowered to cause such monies to be applied towards defraying the said expenses. Nothing short of an Act of the British Parliament can alter that appropriation; and that it is so considered by the said Parliament, is manifest from the Act of 31 Geo. 3, c. 31, which in part repeals the Quebec Act of 14 Geo. 3, c. 83, leaving the other Act, or cap. 88 untouched: and further were there any possible doubts about the total absence of right in the Provincial Parliament to interfere in the disposal of the monies levied under the 14 Geo. 3, c. 88, they would be effectually removed by the Imperial Act passed 5th August 1822, c. 119, which contains a provision for the appointment of arbitrators to settle the conflicting claims of the provinces of Lower and Upper Canada, respecting the division of the duties levied on importations at Quebec, and makes the award final in what respects the division of such duties levied under provincial acts; whereas by the 27 sect. of said Act of 1822, the said arbitrators are directed to receive the claims on behalf of each province with respect to its proportion of duties under the 14 Geo. 3, c. 88, and to report the same with the evidence thereon, to the Lords Commissioners of His Majesty’s Treasury, “in order that they may make such order respecting the proportion in which the same shall be expended within each of the provinces respectively, *for the purposes mentioned in the said Act of the 14 Geo. 3, c. 88, as to them shall seem meet.*”

“Thus the purposes and the powers of appropriation towards those purposes are so far from being annulled or altered, that they are expressly recognized as existing in the same shape as contained in the original Act and the powers of the Lords Commissioners of His Majesty’s Treasury are most guardedly preserved without any delegation thereof to the said arbitrators. It is strangely inconsistent in the Assembly to claim the right or power of disposal of the revenue raised under 14 Geo. 3, c. 88; because if the appropriation contained in that Act be considered as annulled, so must the whole act be, and in that case there would be nothing to dispose of in any shape, as levying of the duties thereby imposed would become illegal.

“The said Act of 14 Geo. 3, c. 88, thus continuing to exist in its original form and tenor in all respects, a question has been raised by the Assembly, whether the laying of statements before the provincial Legislature, of the produce of the duties levied under that Act, and of His Majesty’s casual and territorial revenue, and fines and forfeitures, can make any change in respect to prior appropriations by law, by reason of the House of Assembly having offered in 1810, to charge themselves with all the civil expences of the Government, and the call made upon them in 1818, by the then Governor to redeem that pledge.

“Surely the Assembly will not argue, that they intended a mental reservation, and only meant to offer a shadow, and that the Governor, in accepting it, meant to give up a substance, and thereby transfer the whole powers of the provincial Government to the Assembly, and to place the officers thereof at the mercy of that body; yet such must be the conclusion, to support the pretensions of the Assembly to the rights of disposing of the proceeds of 14 Geo. 3, c. 88, the casual and territorial revenues, fines and forfeitures, the 5,000 *l.* sterling appropriated by the provincial Act 35 Geo. 3, c. 9, and other provincial appropriations for the public uses of the province, where the reservation thereof for the future disposition of the provincial legislature is not expressly made; but true it is, that over none of these, not so reserved, has the House of Assembly a shadow of legal right to the disposal.

“The appropriation of all those funds was made perpetual by competent authorities, and that cannot be now altered; but by the authorities which
respectively

respectively disposed of them, and not by any branch of any legislature without the concurrence of the other branches thereof, especially of a subordinate legislature.

"The moment the call was made on the Assembly constitutionally to fill their office in good faith, it became necessary to lay before them statements of the whole revenue applicable to the civil list and other public expences, with statements of the whole expenditure; else how could it have been possible for them to ascertain what might be necessary to make up the deficiency of the revenues in respect to the expenditure.

"The officers of Government upon the civil list, and in its employment at the time, had assuredly a right to expect that they were not to be placed upon a worse footing than before, but might fairly look to be in a better situation, in so far as the revenues then raised were found inadequate to their original purpose, and might require increase; especially as the original offer boasted of the well-grounded capacity of the province to sustain its own burthens, and professed an acute feeling for having so long leant upon the resources of the mother country.

"That if the permanent revenues exceeded what might be necessary for those purposes, there was no need of levying more; and if less, the expectation of a provision for the deficiency cannot be fairly construed, or even tortured, into a transfer of the rights of appropriation or disposal as they stood originally.

"The case of the Governor's message, respecting a remission of certain dues of *Quint* to Madame Cressé, proves nothing that is not amply rebutted by the foregoing reasoning: for how the remission, upon the strongest equitable ground, of a sum of money due by an individual, can be construed into an abandonment of the right of disposal of the whole public revenue, collected and appropriated under other and higher authorities than those proceeding from the provincial legislature, is beyond comprehension.

"The very doubting or questioning the right previously exercised by a superior or equally-competent authority, in respect to appropriation or disposal of monies, tends to infringe all ideas of security in laws, however solemnly made, and must produce the most injurious consequences; for where is such a principle to stop? the next Assembly may also question what the present does, and so on until every thing be set afloat.

"Upon the whole, the Legislative Council deny that the Provincial Legislature has the right, as contended for by the Assembly, of disposing of all the revenue in this province, whether before appropriated, or whether raised under the authority of the Imperial or Provincial Parliament. To aim at the assumption of such a right, by a subordinate body, under all the circumstances of the case, is so direct an attack upon the supremacy of the parent state, as, if persisted in, must produce consequences to this country which cannot be contemplated without the most serious apprehensions.

"As to the other objections to the indemnity bills, the Legislative Council are governed by the precedents of the Imperial Parliament, they admit of none other; the safer course being to refer to those of the authority which constituted the Provincial Legislature upon its own model, rather than to borrow from authorities dissimilarly and inferiorly constituted.

"The civil list in Great Britain is, at the commencement of each reign, granted for the life of the Sovereign. It is in one sum, without specifications in the Act by chapters or items; although the Estimate sent to the House of Commons for their guidance in determining the amount to be granted may have contained chapters. This is indispensable to the preservation of the Monarchy, else the public officers, having annually to look to the Commons instead of the King, in the first instance the independence of the Crown, and the balance of the Constitution, would be destroyed, and the Commons become substantially the Government.

"The principle is applicable here, and the like consequences would ensue from abandoning it. It is fallacious to suppose that the people would benefit by a contrary maxim. A popular body acquiring and exercising unconstitutional influence and power, would in time become more tyrannical than any single despot.

"The said bills contain the striking impropriety of granting indemnity for the payment of about 140,000 £. in four years. This amount having been paid towards the administration of justice, and support of the civil government, and towards local expenses and applied in virtue of anterior appropriations by law, has, notwithstanding, been brought into the said bills, by an assumption of illegal power, as no indemnity can be requisite for acting in compliance with legal directions.

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"As to the monies paid without previous appropriations by law, amounting to about 100,000 *l.* in four years, towards the civil expenditure and local objects, which are intentionally intermixed in the said bills, it will excite surprise to find such difficulties made about covering them, when it is known that the whole were applied in conformity to long-established practice, in order to carry on the provincial government, and to prevent the serious injury which the officers thereof must otherwise have suffered during the impediments arising from the disputed pretensions of the Assembly. It is to be remarked that only somewhat beyond one half of the said 100,000 *l.* was covered by the said bills of indemnity, and that the part included, and the part left out, were for civil list and local portions thereof, blended together.

It is notorious that similar payments were made in 1818, which the Assembly voted in one sum exceeding 40,000 *l.* (not in items) in that year, by their own authority, unconstitutionally passing by the Legislative Council, a body of co-ordinate power, and of rights equal to their own; and which sum was covered in the year following by the provincial statute of 59th Geo. 3, c. 25, the preamble whereof declares, that the above sum had been advanced towards defraying the expense of His Majesty's civil government of this province for the year 1818, *over and above the sums already appropriated by law for that purpose*; and the same Act contains in the body of it the following words: "shall be, and the same is hereby directed to be charged against *the unappropriated monies in the hands of the receiver-general of this province, which have been raised, levied, and collected under and by virtue of any Act or Acts of the Legislature of this province.*" Here is a provincial Act, originating with the Assembly, which establishes a precedent that they have ever since disregarded, by introducing items into the civil list bills, and this year attempting to dispose of monies before appropriated by the Imperial Parliament, as also by themselves, as if every thing was to be prostrated which stood in the way of their assumption of unconstitutional and illegal power.

"There being no prospective grant for the civil list in the indemnity bills, they do not come within the principle which respects the duration for the King's life, otherwise than as consisting of items, and intermixing and confounding what comprehends the expenses of the administration of justice and support of the civil government, with the local expenses. Those bills are also very objectionable in not being confined to the arrears or deficiencies only which are required to make up the difference between the amount of the civil and local expenditures respectively, and the amount of the sums paid on account out of the existing appropriation respectively, and should not have been framed to affect or include appropriations already made, as if such required any indemnity, or any additional authority.

"In respect to the local establishments, the Legislative Council admit that they may be temporarily provided for by specifications of items, offices and purposes, but without the names of persons, unless in cases of pensions, premiums, debts, articles supplied, remunerations for services, or matters purely personal and not official; because salaries are appropriated to the offices by whomsoever held, and not granted to the officer personally. But as to the civil list expenses, or in other words, what respect *the administration of justice and support of the civil government of the province*, they should, in conformity to the practice of the mother country, be in one sum, and for the life of the King, in order to prevent that pernicious annual dependence upon the favouritism or prejudice of a popular body, which would gradually undermine the correct discharge of duty by the public officer, and tend to discourage men of upright and independent mind and character from accepting offices, where the tenure and remuneration would be so precarious.

"The Estimates sent down by the Governor in Chief, early in this session, for 1823, wherein there is a classification distinguishing what affects *the civil list or administration of justice and support of the civil government* from what is considered *local establishments*, made it easy for the Assembly to have acted in conformity thereto, instead of studiously confounding both together."

Ordered, That the said Report be taken into consideration on the next sitting day.

Tuesday, 18th March.

The members convened were, the Honourable the Chief Justice, Speaker; the Honourable Messrs. Duchesnay; Richardson, Caldwell, Ryland, Rev. J. O. Plessis, bishop of the Roman Catholic church, Quebec; Irvine, Perrault, De Salaberry, Burns, Coffin, De Lery, Felton.

Prayers.—

AND GOVERNORS OF UPPER AND LOWER CANADA. 41

Prayers.—*Hodie 3^a vice lecta est billa*, intituled, “An Act to enable His Majesty to defray certain Arrears of Expenses appertaining to the Civil Government of the Province.”

The question was put, Whether this bill shall pass; it was unanimously resolved in the affirmative.

Ordered, That one of the Masters in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this bill without any amendment.

Hodie 3^a vice lecta est billa, intituled, “An Act to appropriate certain sums of Money towards enabling His Majesty to defray certain Expenses therein mentioned, appertaining to his Majesty’s Civil Government in this Province, for the year 1823.”

The question was put, Whether this bill shall pass; it was resolved in the affirmative.

Ordered, That one of the Masters in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this bill without any amendment.

It was then moved to resolve, That the Legislative Council see with great concern and surprise that the bills sent from the Assembly, intituled, “An Act to enable His Majesty to defray certain Arrears of Expenses appertaining to the Civil Government of the Province;” and “An Act to appropriate certain sums of Money towards enabling His Majesty to defray certain Expenses therein mentioned, appertaining to his Majesty’s Civil Government in this Province, for the year 1823,” do contain very objectionable matter, in granting monies from *the general funds of the province*, no funds so denominated having legal existence, and the titles, preambles, and clauses of grant and appropriation in the said Acts being worded so generally and ambiguously, as still to assume or mean to leave in doubt the right pretended to by the Assembly, of disposing of monies raised already and appropriated and disposed of, either by Act or Acts of the Imperial Legislature, or by His Majesty in respect to His Majesty’s prerogative, rights and revenues, and fines and forfeitures, or by Act or Acts of the Provincial Legislature, containing permanent appropriations, or where the fines thereby imposed are not reserved for the future disposition thereof. Against all which assumption and pretensions, whether directly, or in any shape expressed, made or implied, by open or covert language or meaning, the Legislative Council solemnly protest.

The question of concurrence being put on this motion, it was resolved in the affirmative.

It was then moved to resolve, That the Legislative Council have concurred in the said bills, as a measure of necessity resulting from the very advanced period of the session, and the consequent impracticability, if they were rejected, of their being replaced before the prorogation; and further, they have concurred therein to prevent the great general and individual distress which the present rejection of the said bills would have rendered unavoidable. But in so concurring, the Legislative Council declare, that they reserve all their rights and privileges unabated, and that they will not hereafter admit, upon any occasion whatsoever, of a proceeding so contrary to the rules and method of Parliament.

The question of concurrence being put on this motion, it was resolved in the affirmative.

Thursday, 20th March, Second Meeting.

The members convened were, the Honourable the Chief Justice, Speaker; the Honourable Messrs. Duchesnay, Richardson, Ryland, Irvine, Perrault, De Salaberry, Coffin, Taschereau, De Lery, Felton.

The House (according to order) proceeded to take into consideration the report of the special committee appointed to frame and report to the House, with all convenient speed, the reasons which induced the Legislative Council to reject the four bills sent up from the Assembly, severally intituled, An Act to reimburse and indemnify His Majesty for certain sums of Money expended to defray the Expenses of the Civil Government of the Province for the years 1819, 1820, 1821, and 1822,” by resolving to proceed no further thereon than the first reading of each.

The said Report being then read paragraph by paragraph, it was unanimously resolved, That this House doth concur in the reasons reported by the said Committee.

Attest.

(signed) H^m. Smith, C. L. C.

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Appendix (N° 2.)

EXTRACT from the Journals of the Legislative Council.

Saturday, 6th March 1824.

To the King's Most Excellent Majesty.

May it please your Majesty,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, most humbly beseech your Majesty to be graciously pleased to permit your faithful subjects, the said Legislative Council, to lay at the foot of the throne the Resolutions which accompany this Address, with the reasons and Resolutions therein referred to, of March 1823, as evidences of the loyal attachment of the Legislative Council to your Majesty's sacred person and government, and as a solemn pledge of our unalterable determination to support your Majesty's just rights, and the constitutional prerogatives of the Crown at all times, and against encroachments thereon of every description; as also of our fixed resolution to support the principles and practice of the constitution granted to this province, and the just rights and privileges of the Legislative Council under the same.

We most humbly, but most earnestly entreat your Majesty to take into Your Royal consideration the growing embarrassments which surround the Executive Government of this province by the continued refusal of supplies, unless accepted upon terms that would lay the officers of your Majesty's Provincial Government, and the Legislative Council, prostrate at the feet of the Assembly, and also the dangers which must necessarily ensue, if a corrective thereto be not speedily applied.

We therefore implore your Majesty, out of tenderness to your loyal subjects in Lower Canada, to take into Your Royal consideration the evils which inevitably must ensue from the existing state of things, unless an adequate remedy be applied; and that your Majesty will be graciously pleased to recommend the state of this province to the consideration of the Imperial Parliament, to the end that legislative provision may be made to remedy the evils to which we have referred, and to prevent their recurrence in future, or that your Majesty will be pleased to adopt such other means as your Majesty, in your great wisdom, shall deem fit and effectual for the purpose.

(A true Copy.)

Attest.

Wm. Smith, C.L.C.

Appendix (N° 3.)

MESSAGE from the Earl of Dalhousie, to the House of Assembly of Lower Canada, respecting the Judges.

Castle of Saint Louis, Quebec,
1st February 1826.

The Governor in Chief informs the Assembly that having, while in England, submitted and strongly recommended to His Majesty's Government a memorial from the chief justice and judges of this province, praying that their commissions may be granted to them during good behaviour, and that a provision be made for their retirement after a certain number of years service, he received a despatch from the Earl Bathurst, His Majesty's Secretary of State for the Colonies, informing him that he would recommend to His Majesty, that the appointments of the judges in this province should be placed on the footing on which corresponding appointments are placed in England, provided that the Legislature of this province should make a provision for their retirement according to the scale which is adopted in England.

The Governor in Chief takes this opportunity of again bringing under the consideration of the House, the expediency of increasing the pension granted to Sir James Monk, late chief justice of Montreal; and also of submitting to them a recommendation, that some provision be made for the widow of the late Mr. Justice Ogden; and he communicates to the House copy of a despatch relating to these subjects, which he has received from His Majesty's Secretary of State for the Colonies.

(signed) DALHOUSIE.

AND GOVERNORS OF UPPER AND LOWER CANADA. 43

MY LORD,

Downing-street, 28th July 1825.

I have received His Majesty's commands, to desire that your lordship will, in the next session of the Legislature of the province of Lower Canada, recommend in the strongest manner the claims of Sir James Monk to an increase of the pension, which has been granted to him as late chief justice of Montreal, and that you will express His Majesty's confident expectation that on a reconsideration of the case, he will be considered entitled to three fourths of his salary, as a reward for his long and faithful services, and which His Majesty is of opinion is not more than an adequate provision with reference to the zealous and upright manner in which Sir James Monk executed the important duties confided to him, and the advanced age at which he retired from the bench.

I enclose an Act of Parliament passed in the last session, for making provision for the judges of England on their retirement; and as the justice and policy of granting a liberal superannuation is equally applicable to judges in the Colonies, I have had less hesitation in submitting to His Majesty the propriety of again bringing Sir James Monk's claims under the consideration of the Legislature.

I am also to instruct your lordship to recommend to the Legislature to make some provision for the widow of the late Mr. Justice Ogden, and your lordship will state, that His Majesty considers that lady to have strong claims to favourable consideration, from the long and able services of her late husband, and the straitened circumstances in which, it is understood, she is left at her advanced period of life.

I have the honour to be, &c. &c. &c.,

(signed) BATHURST.

Lieut. Gen. the Earl of Dalhousie, G.C.B.

Appendix (N° 4.)

AN Act to secure the Independence of the Judges in this Province, and for other Purposes therein mentioned.

MOST GRACIOUS SOVEREIGN,

Whereas to secure in a more certain manner to your Majesty's subjects in this province an upright and impartial administration of justice, it is necessary to render the Judges of the court of King's Bench in this Province, and the Judges of the Provincial Courts more independent than they have hitherto been; and whereas this matter was specially submitted to the consideration of the Legislature of this Province by message from his Excellency the Governor in Chief, on the first day of February in the present year:

May it therefore please your Majesty, that it may be enacted, and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "an Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and for making further provision for the Government of the said Province," and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall no longer be lawful for any of the judges of the several courts of King's Bench in this province, nor for any of the judges of the provincial courts therein, to have or to occupy a seat in the Executive Council, nor in the Legislative Council of this province, and that such of the said judges as may now have and occupy a seat in either of the said councils shall be, and they are hereby declared to be incapable, while they retain their commissions as judges, of sitting therein for the future.

And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, the judges of the courts of King's Bench in this province, and the provincial judges, shall hold and possess their office during their good behaviour, and in the same manner in this respect in which those offices are held and possessed in England.

And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, the salaries which are now annually allowed and paid to the said judges,

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judges, (the judge for the inferior district of Saint Francis excepted) shall be secured to them in a fixed and permanent manner. Provided always, that no judge of the court of King's Bench, or provincial judge, shall hold any other place of profit in the nomination of the Crown.

And whereas it would be expedient to make legislative provision to secure retiring pensions to such of the said judges as from age or infirmities may wish to resign; Be it therefore enacted, by the authority aforesaid, that from and after the passing of this Act, there shall be allowed to every judge of the court of King's Bench, or provincial judge for Three Rivers or Gaspé, who shall so resign his office, a retiring pension equal to the half of the salary to which he was entitled during the exercise of his functions as a judge, provided such judge be sixty years of age at least, and have exercised the functions of a judge during fifteen years at least; and there shall be allowed a retiring pension equal to three fourths of the salary to which such judge was entitled while in the exercise of his functions, provided such judge be sixty-five years of age at least, and have exercised the functions of a judge during twenty years at least; provided always that no Judge of the court of King's Bench, or provincial judge, who shall have obtained a retired pension, shall hold any place of profit in the nomination of the Crown.

And be it further enacted, by the authority aforesaid, that the salaries of the said judges of the court of King's Bench in this province, and of the provincial judges, and retiring pensions hereby fixed and established, shall be taken and paid out of the funds already by law appropriated generally to the administration of justice and the support of the civil government.

And whereas it would conduce to the good government of this province, and to the tranquillity and happiness of your Majesty's dutiful and loyal subjects therein, that impeachments brought by the House of Assembly of this province against high public officers, for high crimes and misdemeanor, should be tried adjudged and determined in the said province; and whereas it is just and right that the Assembly of this province bringing such impeachments, and the persons against whom they may be brought, should be tried before a competent tribunal in the province, and be respectively enabled to produce, with the least possible delay and expense their witnesses, and other means whether of charge or of defence, in order to obtain more prompt justice; and whereas it was the pleasure of your Majesty as Prince Regent of the United Kingdom, acting in the name and on the behalf of your august Father of glorious memory, graciously to signify by message to both Houses of the Legislature of this province, that having taken that matter into consideration, it was your Majesty's determination that in all cases of impeachment of that nature the decision should be left to the Legislative Council; and whereas it is expedient more fully to give effect to that wise and salutary determination of your Majesty; May it therefore please your Majesty that it may be enacted, and be it enacted by the authority aforesaid, that from and after the passing of this Act, the Legislative Council of this province shall be, and the same is hereby appointed and constituted a court of competent jurisdiction to take cognizance of, hear, try and determine all impeachments which hereafter may be made, preferred and brought before the same by the Assembly of this province, against any person or persons for any crime, misdemeanor, or malversation in office committed in this province, and for which an impeachment may or can be made, preferred or brought according to the law, usage and custom of the Parliament of the United Kingdom of Great Britain and Ireland.

And be it further enacted, by the authority aforesaid, that the Legislative Council aforesaid, when acting as a court under the authority of this Act, shall have full power, authority and jurisdiction to hear, try and determine both law and fact, and shall proceed upon all such impeachments hereafter to be made, preferred and brought before them, and hear, try and determine the same according to the law and usage of the Parliament of the United Kingdom of Great Britain and Ireland and not otherwise; and shall and may, upon conviction, pronounce such judgment, and inflict such pains, penalties, forfeitures, disabilities or punishments as the High Court of Parliament of the United Kingdom of Great Britain and Ireland could or might pronounce and inflict in like cases; any law, usage or custom to the contrary hereof in anywise notwithstanding.

Provided always, and be it further enacted, by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to give the said Legislative Council any power or jurisdiction over any impeachment which might hereafter be made or preferred for any reason whatsoever against the governor,
lieutenant

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lieutenant governor, or person administering the government of this province for the time being, or against the commander of any of his Majesty's forces therein, or against any officer of his Majesty's army or navy, in their respective qualities aforesaid.

I do hereby certify that the foregoing is a true copy of the engrossed bill sent up to the Legislative Council of the province of Lower Canada, on the 20th March 1826, and rejected by them after its second reading, on the 22nd March, in the same year.

(signed) *William Smith,*
Clerk of the Legislative Council.

N° 15.—COPY of a Despatch from Lieutenant General Sir James Kempt to
Secretary Sir George Murray.

Castle of Saint Louis, Quebec,
27th February 1829.

SIR,

As the Earl of Dalhousie has doubtless afforded you the explanation required in your despatch of the 8th July last, addressed to his Lordship, "relative to the prosecutions for libel in this province, at the instance of the attorney-general, and the spirit in which these prosecutions had been conducted." I entertained a hope that I should have had the honour of receiving from you before now some intimation of the views and intentions of his Majesty's Government relative to these suits, to guide my own proceedings respecting them.

I have not however been favoured with any such communication from you, and it being become absolutely necessary to come to some decision as to the course to be pursued, I called upon the attorney-general for a report of the several cases now pending in the courts of King's Bench of Quebec and Montreal for libels, and other matters connected with political offences; and after giving the subject my best consideration, I have thought it right to address a letter of instructions to the attorney-general for his guidance, of which I herewith transmit a copy for your information, and it will be very satisfactory for me to learn that the course which I have taken meets with your approbation.

I have the honour to be, Sir,
Your most obedient humble servant,

(signed) JAMES KEMPT.

Castle of Saint Louis, Quebec,
26th February 1829.

SIR,

Having laid before his Excellency, the administrator of the Government, your letter of the 23d instant, respecting the several cases now pending in the courts of King's Bench of Quebec and Montreal, for libels and other matters connected with political offences, I am commanded to inform you, that under the instructions which his Excellency has received, he deems it necessary to direct you not to proceed on any of the cases for libel until further instructions shall be given to you; and in every case of libel now pending in which the defendant shall consent to give bail in a reasonable sum, to appear and answer to the indictment, if thereunto required at any future time, it is his Excellency's pleasure, that you should consent, on the part of the Crown, to the discharge of such defendant; and if the defendant shall not be willing to give such bail as is above-mentioned, you are to continue the cause until the next term, and report the matter to his Excellency.

With respect to the cases of assault and riot, as these cases must necessarily include some act of violence, you will proceed to judgment in each of them with as much celerity as circumstances will permit; and, as perjury is an offence most injurious to the administration of justice, you will proceed to judgment in each case of this description in which, in your opinion, there are proper grounds to expect a conviction.

I have the honour to be, Sir,
Your most obedient humble servant,

(signed) C. York, Secretary.

The Honourable the Attorney General,
&c. &c. &c.

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N^o 16.—COPY of the Report of the Attorney General of Lower Canada, relative to the Prosecutions for Libel.

To his Excellency Sir James Kempt, Knight Grand Cross of the most honourable Military Order of the Bath, Lieutenant General, and Commander in Chief of His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, and New Brunswick, and their several Dependencies, and in the Island of Newfoundland, Administrator of the Government of the Province of Lower Canada, &c. &c. &c.

May it please your Excellency,

Quebec, 20th Oct. 1828.

I have been honoured with your Excellency's commands, signified in Mr. Secretary Cochran's letter of the 21st September, requiring me to make a report of the prosecutions for libel, which have been instituted by me on the part of the Crown since November last, and of the present state of the proceedings, together with any information deemed necessary for your Excellency on this subject.

In obedience to your Excellency's commands, I have the honour to state that all the prosecutions referred to by your Excellency have originated in indictments found by the grand juries of the districts of Quebec and Montreal respectively, and that the first three of them were instituted in a court of oyer and terminer and general gaol delivery, held in the latter of these districts in November 1827.

The adoption of any legal proceedings to restrain the licentiousness in which some of the conductors of newspapers had indulged, had been long, and probably in the estimation of the sober and discreet part of the community, too long delayed. It was not, indeed, till after it was evident that the evil was greatly increased by this forbearance, and that a check to it was urgently required, that a resort was had to legal measures, and for these the sanction of a grand jury was taken.

Before this step was adopted, the editors of these newspapers, with their auxiliary contributors, not satisfied with the free temperate discussion of public measures, had erected themselves into censors of the Government, and of the administration of justice, and were in the habit of pronouncing judgment erroneously against both in terms of indecent disrespect. In these publications the conduct and measures of the Government, and the proceedings of the courts of justice, were grossly misrepresented and calumniated, and the acts of both, within the limits of their legal power, in most important particulars, were held up to the public as illegal and unconstitutional, and in such language as was calculated to incite opposition to their authority, while the person at the head of the Government was openly aspersed, vilified, and made the object of indecent personal attack. Of the urgent necessity of putting a stop to these publications no doubt could be entertained, as Government, however leniently and justly administered, could not continue to subsist if it could be thus perseveringly attacked with impunity. In this country also, the injurious consequences to be apprehended from these libels, it is fit to remark, were the greater, as the mass of the population are profoundly ignorant, and may easily, for this reason, be made to imbibe unfounded distrust and prejudices against the Government, under the influence of which they might be hurried into a criminal opposition to its authority, or long retain a sense of wrong which was never done. That an extreme degree of hardihood had been acquired by the authors of these libels will be considered as sufficiently evinced by the fact of their not having suspended publications of this description even while a criminal court was sitting, to which they could be made immediately amenable. It was during the sitting of the court of oyer and terminer, and at the place at which its session was held, that the most offensive of the libels now alluded to were published; and some of them were even directed against the court itself, containing the most criminal misrepresentation of its proceedings, and arraigning its justice without the slightest reason.

In order to make your Excellency acquainted with the libels selected for prosecution, I shall beg leave to mention the prosecutions in the order in which they occurred; and for the libellous matter which has been made the subject of prosecution, will refer your Excellency to the annexed Appendix, in which a copy of it will be found.

The first of these prosecutions is founded on an article contained in the Canadian Spectator, a newspaper published at Montreal, of 7th November 1827, for which an indictment was found against Mr. Waller, the editor, and Mr. Duvernay, the printer of that paper, in the court of oyer and terminer and general gaol delivery,

delivery, held there in that month, and the matter charged as libellous in the indictment will be found in the Extract, N° 1. in the annexed Appendix. In explanation of this prosecution it may be proper to observe, that the editor of the paper now referred to came hither from Ireland some years since, and being afterwards in distressed circumstances, was hired to conduct this paper, which has been since its first establishment, the organ through which a party, acting in opposition to His Majesty's Government in the Provincial House of Assembly, has manifested its sentiments, and by which it has been supported. The editor himself is without stake or interest in the country: the language he holds would seem to be the language of his employers, by whom he is paid, and although published in English, the paper is intended to influence the mass of the French Canadian population, through whom its pernicious contents are made to circulate by infusion into French papers, and by oral communication. The article was published a short time before the expected meeting of the Provincial Legislature. The "conciliation" made mention of, and which is treated with so much contempt, was the conciliation of the three branches of the Legislature, and it is in relation to this anticipated conciliation that the writer gives vent to the *tirade* of virulent abuse which follows, and which terminates in giving the character of a "*nuisance*" to His Majesty's Colonial Government, a brief and concentrated form of libel, it must be admitted, quite intelligent to the most ignorant of the persons for whose information it was intended, and, as applied to a government still possessed of any efficiency, I believe to be almost without example. In using this disgraceful term, the writer would seem to have sought, in a single expression, to unite in the most offensive libel a direct incitement to insurrection, for if the Government were to be considered a *nuisance*, as represented by him, that nuisance, like every other nuisance, it is fair to infer, was to be abated; and, as if to render his meaning unambiguous, he immediately adds, that if the country would co-operate with firm and decisive measures, it would be speedily extinguished.

Among the vague and general charges conveyed in this article against His Majesty's Government, admitting of no answer, is one of a specific nature, which in a variety of insulting forms had been before made in the same paper, and could not fail to make a strong impression on an ignorant population. The Colonial Government is charged with reviving military ordinances against the plainest rules of legal construction. To render intelligible this gross libel on the Government, it is necessary to mention, that in the twenty-seventh and twenty-ninth years of His late Majesty's reign two ordinances were passed by the Legislature of the country at that period, one of which is intituled, "An Ordinance for better regulating the Militia of this Province, and rendering it of more general utility towards the preservation and security thereof;" and the other of which is intituled, "An Ordinance to explain and amend the first mentioned Ordinance." These ordinances were permanent laws for regulating the militia of the province, the operation of which some years afterwards was suspended by several successive statutes, containing a temporary repeal of them, and substituting, during the period of such temporary repeal, other provisions in the place of those contained in the Ordinances. The first of these statutes was passed in the year 1794, and the last in 1825, by which last statute the temporary repeal of these ordinances was continued to the 1st of May 1827, and no longer. At this period, by the expiration of the temporary repealing statutes, the Ordinances revived, and again became the law by which the militia was regulated. It was peculiarly fortunate for the peace and tranquillity of the country, that in the absence of any other provisions this revival took place, inasmuch as, besides the ordinary security conferred by a militia law, there is this peculiar benefit derived from it in this province, that it furnishes peace officers throughout the country parishes, that is throughout the whole province, with the exception of the towns of Quebec, Montreal and Three Rivers; there being a special provision of law by which captains of militia and officers of inferior grade are constituted peace officers, and there being no other peace officers except in these three towns. Without a militia law, therefore, the country at large would have been without the legal means of maintaining, effectually, its internal tranquillity. The Government having, as it was its duty to do, and as the public safety and interest required, enforced these ordinances as a part of the law of the land, a clamour against them was immediately raised by disaffected persons, who, aware of the salutary and necessary power with which they permanently armed the Government, were anxious to prevent the execution of them. Among these persons, the editor of the Canadian Spectator, as the organ of the party to which he belongs, rendered

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himself conspicuous; and it is with reference to these ordinances that he presumes to charge the Government with reviving military ordinances against the plainest rules of legal construction. It is proper to add, that amidst the opposition which the execution of the ordinances experienced, some militia-men having been fined for not attending the reviews required by these laws, an action of trespass was brought against the officers by whom the fines were levied, for the express purpose, as the public were informed by the *Canadian Spectator* and his associate papers, of trying the validity of the ordinances; this action has been since brought to issue, and upon this question no gentleman could be found who was willing to compromise his professional character by maintaining the ordinances not to be in force. The consequence has been, that upon a hearing, at the instance of the defendants, these ordinances have been solemnly adjudged by His Majesty's Court of King's Bench, to have been in force from the 1st May 1827, the period at which the last of the temporary repealing statutes expired; and this decision it has not been attempted to impeach.

The second of these prosecutions is grounded on an article in the *Canadian Spectator* of the 3d November 1827, for which an indictment was found against the same individuals as in the case of the former prosecution in the court of oyer and terminer and general gaol delivery, held at Montreal in that month; and the matter charged as libellous will be found in the Extract, No. 2, in the annexed Appendix. The enforcing of the militia ordinances in this, as in the article already noticed, is made the ground of the imputations against the Government; and the writer of this article introduces a libellous letter from Mr. Thomas Lee to the Governor in chief, under the general head "Militia." He prefaces this letter by expressing his approbation of it, by stating that the doctrines propagated by His Majesty's Government should make all true British subjects boil with indignation, by charging the Governor with having, by his proclamation or general order, made law and military law, and with defaming British subjects, because they declined obedience to orders which were not law. These disgraceful charges have no other foundation than the execution of the laws of the land, which the editor and printer of the newspaper now referred to had the hardihood to assure the country were not laws. In the letter of Mr. Lee which follows these prefatory remarks, this individual insults the person at the head of the Government, and the Government itself, by charging the Governor in Chief with issuing an illegal militia order, by imputing to him tyranny and oppression, and also falsehood; and it is this letter which the *Canadian Spectator*, in the article in question, holds up to the public in terms of high commendation, as a very interesting document.

The third of these prosecutions was occasioned by an article proceeding from the same press, and contained in a newspaper called the *Spectateur Canadien* of the 14th of November 1827; for which an indictment was also found by the grand jury in the same court against James Lane, the printer of that paper. Of this article a copy will be found in the Extract, N° 3, in the annexed Appendix. To convey an adequate idea of the malignity of this libel, and of the total absence of all ground for the criminal charge it conveys against the administration of justice, it is necessary to state a few facts: A new street had been laid out at Montreal, under the authority of the magistrates there, and in execution of the provisions of the Road Act, prov. stat. 36 Geo. 3, c. 9. After this street had been laid out, a Mr. Stanley Bagg, deriving an alleged title from a convent of nuns called the Grey Sisters, thought proper to erect a wooden building on it. This being an obstruction of a highway and a nuisance, it became the duty of the surveyor of the highways, which office is filled by a Mr. Viger, to remove it in the manner prescribed by the 68th section of the same Road Act. Mr. Viger having neglected to perform this duty, one or more orders of the magistrates assembled in special session was made, enjoining on him the performance of it. After one certainly, and, I believe, two orders to the same effect, three magistrates, of their own mere authority individually, and without any special sessions having been called to re-consider the subject, presumed to issue a supersedeas, as they called it, discharging Mr. Viger from that duty which the law had imposed upon him, and which the magistrates acting collectively in one or more special sessions had required him to perform: for this non-feasance of a duty required by a statute, an indictment was found against Mr. Viger in the court of oyer and terminer and general gaol of delivery already mentioned; and at the same time an indictment was found against Mr. Bagg for a NUISANCE. In the
libellous

libellous article now referred to, this proceeding, than which none more legal and unexceptionable could be adopted, is held up to the public, or rather to the French Canadian part of it, as most unwarrantable, as involving an illegal assumption of jurisdiction by the court of oyer and terminer over a subject belonging exclusively to civil judicature, and as being "*un insulte et une outrage aux loix.*" For having permitted this proceeding, the court is charged with forgetting and disregarding the best established principles of law and justice, the country is represented to be in an alarming state, and it is said that the citizens ought to tremble for the consequences!! In order also to convey a charge of positive corruption as one of the causes of this monstrous proceeding, the writer of the article adds, "*Les magistrats qui se trouvent blessés par ce supersedeas sont du nombre des grand jurés, et le président de la police siège à cette cour!*" In a more enlightened community the writer of such an extravagant article would incur by it universal ridicule and contempt, and the very excess of its folly would preclude any public ill-consequence from it; but it is not so in this country, where, such is the ignorance which prevails among the people for whose edification this article was intended, that the charge thus conveyed against the administration of justice would be gravely received, and a strong impression be produced by it. This article, independently of its libellous character, it is proper also to observe, was deserving of the most serious consideration under another aspect, as being a manifestation of a principle on which the press from which it proceeded habitually acts, that of misrepresenting and calumniating the administration of justice, whenever persons belonging to the party by which it is supported are made obnoxious to punishment for an infringement of the laws. Mr. Viger, the road surveyor, is intimately connected by relationship, and otherwise, with the party by which the *Spectateur Canadien* is supported: hence, no doubt, the motive for misrepresenting the proceedings in question: with an expectation also, it is not uncharitable to suppose, that the petit jury (composed of illiterate persons) by whom the case was to be tried, would not be uninfluenced by this libellous misrepresentation.

The fourth of these prosecutions is derived from an article contained in the Canadian Spectator of the 24th of November last, for which an indictment was found against Mr. Waller, the editor, and Mr. Duvernay, the printer of that paper, in his Majesty's Court of King's Bench, held at Montreal in March last, and of which a copy will be found in the Extract No. 4, in the annexed Appendix. For the understanding of this libel, it is necessary to mention, that in the Court of King's Bench, held at Montreal in September 1827, indictments had been preferred against several persons for perjury, committed by them at an election held at William Henry in the preceding month of July, by falsely swearing that they possessed the necessary qualifications to entitle them to vote at that election. These indictments had been *ignored* by the grand jury of that court, and new bills for the same offences were preferred before the grand jury of the court of oyer and terminer and general gaol delivery, held at Montreal in November 1827, by which latter grand jury these bills were found. In the article now referred to, the not finding the bills in September is called "An acquittal by the country;" and on this ground the court of oyer and terminer is impeached before the public for having, it is said, thus overturned the well-known principle of the English law, according to which an acquittal by a jury is a protection against any further prosecution for the same crime; and for having thereby determined that an individual is exposed to be prosecuted to infinity for an offence of which he has already been acquitted by the country. In addition to this libellous charge against the court itself, the grand jury of the same court, for having exercised a legal and constitutional power on finding these bills, is charged with having allowed themselves to be used as an instrument. The foreman is represented as a person unworthy of confidence, and all the members of the jury, with the exception of five or six, are held up to obloquy, while the five or six are made the objects of special commendation and eulogy, it being stated that their characters, private and public, and the independent manner with which they opposed, though without success, all these proceedings made an honourable exception in their favour, and obliged the writer of the article to distinguish them from the rest.

This scandalous libel on the court and grand jury, by which the court is made criminal for permitting that which is the practice of every day, and by which the proceedings of the latter, rendered secret under the obligation of an oath, are disclosed or professed to be disclosed, and are made the subject of disgraceful

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remarks, must be referred to the same motive which dictated that already noticed with respect to the prosecution of Mr. Viger. The persons prosecuted for perjury had voted for a candidate supported by the party by which the Canadian Spectator itself is supported. On this ground, they were to be screened from public justice; and for this purpose, courts and juries through whose power it was attempted to bring them to justice, were to be calumniated for having entertained prosecutions against them, and were to be overawed before trial and judgment. I will only beg leave to add, with respect to this prosecution, that only one of the indictments for perjury which was ignored by a grand jury in September 1827, and found by a grand jury in November following, has been tried since the publication of this libellous article, and on that indictment the party accused, one Joseph Clapwood, was found guilty by a common jury on the clearest evidence.

The fifth and sixth of these prosecutions has been occasioned by an article contained in the Quebec Gazette of the 28th February 1828, being a newspaper published by Samuel Neilson at Quebec. For this article, an indictment was found against Mr. Neilson, the editor and printer of the paper, and another indictment against Mr. Charles Mondelet by the grand jury in the Court of King's Bench, held at Quebec in March last, and a copy of it will be found in the Extract, N° 5, of the annexed Appendix.

This prosecution differs from those of which an account has been given in a very important particular, that is, in what respects the means employed for the composition of the libel, and for giving weight and effect to it. In the prosecutions already noticed, the libellous articles proceeded from insulated individuals, expressing their sentiments individually; in this prosecution, the libel proceeded from a number of individuals invested with public authority as magistrates and officers of militia, and associated under the imposing name of a *Constitutional Committee*; these persons, being officers of militia, erect themselves into a tribunal for trying the validity of the public acts and orders of the commander in chief of the militia, and pass sentence on them as in their wisdom seemeth fit. They assume to themselves all the form of a legally-constituted body, and arraign the conduct of the commander in chief in such terms as to imply in them a right of determining on it. It is for the publication of a libel proceeding from such a self-constituted body, and conveyed in the form of resolutions of a letter and of a speech, that this prosecution was instituted; of the grounds on which the exercise of the power complained of took place, I am ignorant, nor would it seem at all necessary to be informed of them, inasmuch as whether right or wrong it could never be canvassed and determined on by such a self-constituted body as a "Constitutional Committee," without a surrender of the powers incident to the established Government. In the resolutions and letter, the conduct of the commander in chief is arraigned as being arbitrary and unjust; and it is said by this body of militia officers, that in their opinion, "*cet allégué de la part de son Excellence* (meaning the fact alleged by the commander in chief as the foundation of his general orders,) *est entièrement malfondé.*" In the speech, the commander in chief is spoken of in the most disrespectful and indecent terms; he is charged in offensive language with being guilty of departure from truth, with being under the influence of absurd and tyrannical notions, and with making defamatory accusations not deserving of refutation, and the administration of the government by him is represented as being influenced and directed by persons "*qui s'évertuent à la tromper, et qui sacrifient honteusement leur honneurs et leurs droits pour encourager une oppression dont il n'y a jamais eu d'exemple dans des colonies Angloises!*" Not satisfied with these terms of abuse, the orator immediately after characterizes the persons last spoken of, that is, the principal officers of His Majesty's Government, with whose advice the Governor is presumed to be assisted, as being a "*horde d'envahisseurs et de destructeurs (de volonté au moins) de nos droits*, and representing two individuals then recently dismissed from their rank in the militia as entitled to the glory "*de voir leurs noms inscrits sur le catalogue de victimes de leur dévouement à la cause sacrée de la patrie.*" In conclusion, he charges the commander in chief with a criminal and disgraceful abuse of the patronage of the Crown, by stating that the persons on whom he conferred honours were those "*qui ne se les font prodiguer, qu'en abjurant leur foi politique, qu'en se déclarant traitres à la patrie, et en flétrissant pour toujours un nom qui ne leur a été donné que pour y ajouter celui de vrai Canadien.*"

The seventh of these prosecutions is grounded on an article contained in the same newspaper, the Quebec Gazette, of the 11th of March 1828, for which an indictment was found against Mr. Neilson, the printer and editor of that paper, in

in the same term of the Court of King's Bench, held at Quebec in March 1828, and of which a copy will be found in the Extract, No. 6, in the annexed Appendix.

In this prosecution the libel is of the same character as that last mentioned. The example set by the Constitutional Committee of Three Rivers in composing and publishing the libel, of which an account has been given, was too agreeable to the feelings of the turbulent and ill-disposed elsewhere, and too well calculated to answer their views not to be followed; other meetings of similarly self-constituted bodies called *Constitutional Committees* were therefore held for a like purpose, and among these a meeting of the *United Constitutional Committees* of the parishes of St. Gregory, Becancour, Gentilly and St. Pierre les Becquets, the proceedings of which gave occasion to the seventh prosecution. At this meeting, the same assumption of the forms of a legally-constituted public body obtained, as in the case of its prototype of Three Rivers. In the 1st Resolution it was declared, that the meeting, being composed of the *majority of the officers of the 3rd battalion of the county of Buckinghamshire*, would immediately take into consideration the general order of militia which was complained of; and in the ten following resolutions, this meeting of militia officers, assembled in that character, express, in various forms of language, their disapprobation of the conduct of the commander in chief, which they pronounce to be arbitrary and unjust. But the 6th and 7th of these Resolutions were particularly deserving of attention. By the 6th they declared *Que les personnes qui acceptent des commissions en remplacement de ceux qui ont été destitués sans cause légitime, méritent l'improbation publique, et ne doivent être considérées que comme ennemis des droits du peuple*. By the 7th they declared, *Que les membres de cette assemblée formant la majorité des officiers du dit 3me battalion du comté de Buckinghamshire, ne pourront obéir, qu'avec mortification, à la personne qui aura ordre de prendre le commandement du dit battalion*.

The Constitutional Committee of Three Rivers had passed sentence on the commander in chief, in what related to the general order, of which they had taken cognizance. These united Constitutional Committees go a step further; they not only pronounce judgment on the commander in chief in relation to the general order taken under their special consideration, but, by their 6th Resolution, they denounce public odium against persons accepting commissions in the place of persons removed; and, by their 7th Resolution, they sufficiently intimate a disposition not to yield obedience to such persons. Of the dangerous nature of the associations from which these libels proceeded no person could doubt. They were evidently calculated to bring the authority of the Government into discredit and contempt, *and gradually to supplant it*. But however criminal may have been the views of a few individuals by whom this seditious machinery was put into motion, it is certainly due to the country at large to remark, that it was the work of a few persons only, and that the mass of the inhabitants was in no degree infected with the disloyalty that might be inferred from such proceedings in other countries. The necessity, nevertheless, of putting a stop to such associations, so pregnant with mischief, was urgent, and this was effectually accomplished in this instance by restraining the publication of their proceedings in the newspapers. After the two last prosecutions, of which an account has been given, the agency of Constitutional Committees in opposing the Government, and in producing disorder, ceased.

The eighth of these prosecutions is grounded on the publication of a letter to the Governor in Chief, signed "Charles Mondelet," inserted in the Quebec Gazette of 12th November 1827, for which an indictment was found against "Mr. Charles Mondelet," in the term of the court of King's Bench, held at Quebec in March 1828, and of which a copy will be found in the Extract, No. 7, in the annexed Appendix.

The example which had been set by Mr. Lee in obtaining notoriety, by addressing an insulting letter to the person at the head of the Government, of which mention has been made, and already been followed by one or two instances, and as yet with impunity, when Mr. Mondelet, it would appear, became ambitious of the same distinction. It has been evident that unless this disposition received some check, no act of the Government disagreeable to an individual could be adopted, without exposing the person at the head of it to be traduced and vilified in the form of a libellous letter, and without, as a necessary consequence, subjecting the Government itself to disparagement and contempt. It seemed unnecessary,

therefore,

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therefore, that this check should be applied in the case of Mr. Mondelet, who, it was obvious, had taken Mr. Lee's letter for his model, and had improved on it by rendering his own more offensively libellous. In it Mr. Mondelet, as Mr. Lee had previously done, charges the commander in chief of the militia, in the most disrespectful terms, with enforcing ordinances as law which were not law, and with issuing illegal orders of militia. In relation to Mr. Mondelet's removal from a particular division of the militia, on the ground of non-residence, as compared with the cases of some other officers, he accuses his Excellency of gross partiality, and observes, *Votre conseil n'a craint ni pour lui-même ni pour votre Excellence, la reprobation publique, et le ridicule qu'une semblable contradiction mériterait à son auteur.* In another part of his letter he observes, *Si vous m'eussiez taxé qu'il plaise à votre Excellence de m'être refusé à l'exécution de vos ordres généraux, qui me semblent aussi illégaux que sont illégales, et non lois, les ordonnances que l'on assigne comme leur base, vous n'auriez pas pu, à la vérité, en justice me remettre sans me donner l'occasion d'être entendu, mais au moins les formes de votre ordre général n'auraient pas en apparence choquer la raison, et cet ordre n'aurait pas été aussi fortement l'objet du ridicule.* And towards the conclusion of his letter he imputes unheard-of tyranny to the commander in chief, in the following terms: "*Au derrier analyse, qu'il plaise à votre Excellence, je me permettrai de vous dire, en usant du droit d'un sujet Anglois, que votre conseil égare grandement votre Excellence en la portant à commettre des actes qui devraient être inouis sous l'empire Britannique, et dont notre colonie seule offre des exemples.*"

The ninth of these prosecutions is grounded on the publication of Mr. Lee's letter above-mentioned, in the Quebec Gazette of 29th October 1827, for which an indictment was found against Mr. Neilson, the editor and printer of that paper, by the grand jury, in the term of the Court of King's Bench, held at Quebec in March 1828. In explanation of this prosecution, it is sufficient to refer to what is above-stated in relation to the second of these prosecutions.

The tenth of these prosecutions is grounded on an article contained in the Quebec Gazette of 29th Nov. 1827, for which an indictment was found against Mr. Neilson, the editor and printer of that paper, in the term of the Court of King's Bench, held at Quebec in March 1828, and of which a copy will be found in the Extracts, N° 8, in the annexed Appendix. This libel is an amplification of the two libels, which are the subjects of the third and fourth prosecutions above-mentioned, these being two blended and amplified in this. Upon this prosecution it is sufficient, therefore, to refer to the explanations above given, in relation to the third and fourth prosecutions.

On the part of the Crown, all due diligence in bringing these several prosecutions to trial, has, I beg leave to state, been exerted. The indictments found at Montreal in November last, were brought by *certiorari* into the Court of King's Bench in the succeeding term of March, and the trial of them was then moved for, but the defendants represented that they were not ready to proceed to trial, and succeeded in obtaining postponement of it till the next term, held in September last. On this last occasion the trials did not take place on the days fixed for them, in consequence of a difference of opinion in the members of the Court respecting the manner of preparing the lists from which the special juries for these trials had been struck; they now stand over, therefore, to be had in the next term, which will be held at Montreal in the month of March. With respect to the indictments found in the Court of King's Bench at Quebec in March last, they were found too late in the term to admit of the trials being had in it. In the last term, held at Quebec in September, the multitude of cases of felony before the Court precluded the trial of these misdemeanors, which were therefore permitted on the part of the Crown to stand over, and no application was made for the trial of them on the part of the defendants; so that these cases also remain for trial in the next term of the Court of King's Bench, which will be held at Quebec in March next.

In addition to what has been stated respecting these prosecutions, it would seem not to be foreign to the order of reference with which your Excellency has honoured me, to notice briefly some steps which have been taken by the persons indicted, or some of them, in conjunction with their friends, to render abortive and defeat them.

By the Minutes of the Evidence taken before the Committee of the House of Commons on the Civil Government of Canada in the last session of the Imperial Parliament which have reached this country, it appears that a set of Resolutions were

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were produced before the Committee by Mr. John Neilson, the father of one of the persons indicted, purporting to be Resolutions of a "Meeting of landholders and other proprietors composing the committees appointed at the general meetings of proprietors, held for the purpose of petitioning His Majesty, and both Houses of Parliament, against the present administration of the Provincial Government, and for furthering the said petitions, assembled at the house of Louis Roy Portelanée, Esq. in the City of Montreal, 17th April 1828," in which resolutions these prosecutions are made the subject of grievance and complaint. Among the names of the persons by whom these resolutions are alleged to have been adopted, is that of Mr. Waller, the person against whom the first, second and fourth of the indictments above-mentioned were found. Whether these Resolutions were or were not adopted at a meeting composed of the persons whose names precede them is a matter of some uncertainty. The names render it probable, however, that they were so adopted, being the names generally of the known supporters of the papers which are the subjects of indictment, and probably of part of the proprietors of them, whose acquiescence Mr. Waller would be likely to obtain, in any statements he would submit to them, on the subjects to which the resolutions relate, and in particular to those declaring these papers to be void of offence. The resolutions themselves contain convincing intrinsic evidence of their being the production of Mr. Waller himself, who has found it convenient to embody his sentiments and defence in these resolutions. He has evidently not neglected his own defence in them, for in the 11th Resolution this unauthorized meeting of individuals is made to contradict the indictments found by the grand inquest of the district, and to declare the publications which the latter, on their oaths, pronounced to be seditious libels, "to be innocent and praiseworthy," and "entirely free from any thing prejudicial to the laws, or to public order." This mode of superseding the authority of the legal tribunals of the country, I cannot but take the liberty of remarking, is without precedent, and if successful in this instance, must be destructive of all legitimate authority. It does not belong to me to notice the charges contained in these resolutions against the Governor in chief, courts, chief justice, sheriffs, jurors, and other public functionaries, all of whom it has entered into the views of the writer of these resolutions to traduce and vilify. But as I am made personally conspicuous in these charges, and am represented to have acted from improper motives, and to have discharged my official duty with undue severity, even oppressively, it seems fit, that in submitting to your Excellency this account of the prosecutions complained of, I should exonerate myself from this foul imputation by stating a few particulars. It is insinuated, if not asserted, in these resolutions, that in the institution of the prosecutions in question, I have acted under the influence of personal feelings, from having concurred in advising the militia arrangements complained of. My feelings, as prosecuting-officer of the Crown, must be a matter of indifference in relation to the truth or falsehood of criminal charges; but the insinuation or assertion, such as it is, is entirely untrue, and has been hazarded at random, as the other disgraceful imputations contained in these resolutions have been, merely to bring discredit on individuals and public authorities, and thereby render the Government itself odious. Except in having advised the enforcing of the militia ordinances, as a part of the law of the land, it has not fallen within the scope of my duty to have any thing to do with the militia arrangements of the country. To appointments and dismissals I have been equally a stranger. I am also represented as a violent opponent of the representative body, but am at a loss to conceive on what ground; and equally so to perceive the bearing of this demerit on the prosecutions complained of. I am likewise charged with having proceeded in a "*vexatious and oppressive manner*" against Mr. Charles Mondelet, of the prosecution against whom an account has been given: this charge, depending on matter of fact, is easily refuted. It is said, that Mr. Mondelet ought to have been prosecuted in the district in which he resides, and where his offence was committed. Had the offences for which he has been indicted been committed in the district of Three Rivers, this observation would have been true, and he could not have been prosecuted elsewhere; but he was indicted, *not* for writing or publishing libels in the district of Three Rivers, in relation to which offences I was in possession of no evidence to enable me to prosecute him there, *but* for having published, and caused and procured to be published, certain libels in the district of Quebec, in the courts of which latter district only could these offences be cognizable; this charge, therefore, is utterly groundless. But it is also said, that Mr. Mondelet was put to

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inconvenience in travelling from Three Rivers to Quebec to answer these indictments against him there ; this certainly is an unusual complaint on the part of a person accused, particularly before his innocence has been ascertained by an acquittal. The inconvenience complained of is necessarily experienced by all persons who subject themselves to criminal accusations ; and in making Mr. Mondelet amenable to the court of King's Bench at Quebec, the trouble of travelling hither on his part was unavoidable. It is also said that Mr. Mondelet, and the witnesses subpoenaed from Three Rivers incurred personal danger in performing the journey. The route between Quebec and Three Rivers, the great highway of the province, is known here (though it may not be known by persons in London, for whose perusal Mr. Waller's Resolutions was intended,) to be free from danger to travellers at all seasons of the year, as much so as a promenade in the streets of Quebec and Montreal. If by any strange misadventure or accident these persons should have incurred any risk, it must be considered as one of the casualties to which men in every situation, even in those the most secure, are liable, and for which it does not seem reasonable to make his Majesty's attorney-general responsible. It is also represented that I have acted partially in selecting for prosecution the editors of one class of newspapers only. It has been my duty to prosecute those persons by whom libellous attacks have been made on the Government, its courts of justice, and its public functionaries, for the purpose of bringing them into contempt and disgrace in the minds of the people. If such attacks have been found in one class of papers only, as has been the case, it sufficiently accounts for having prosecuted the editors and printers of these only. With the personal abuse of contending editors, which it might have been prudent and proper on the part of their respective employers to have restrained, but not affecting any department of the Government, I have had nothing to do. The King's courts of justice have been open to all persons aggrieved by such libels, and it is their own fault if they have not sought redress there, my ministry not being necessary in procuring for them that redress ; but it is trifling with the understanding of the persons to whom such a palliation is offered, to attempt to excuse gross libels on the Government and its courts of justice on the ground that other editors have published libels on some other persons and *on* some other things. I will only beg leave to add, as a general answer to the unfounded misrepresentations contained in Mr. Waller's Resolutions respecting the conduct of these prosecutions, that in laying the indictments in question before the grand juries, by which they have been found, I was and could only be influenced by a sense of duty, and in the several stages of these prosecutions I have, in no respect, deviated from the established course of practice which is observed in criminal prosecutions. The grand juries by which the indictments have been found have been composed of persons of the first respectability in the districts of Quebec and Montreal, and have been returned in the same manner as other grand juries have been from the period of the conquest downwards. Till the publication of the libels of Mr. Waller and his associates, juries so returned had discharged these duties without reproach, and no person had ever called in question the purity of the administration of criminal justice. In the desperate position in which Mr. Waller has placed himself, it is not surprising that the criminal judicature of the country, however free from reproach, till reached by his malignity, should not be acceptable to him ; it is indeed not likely that he should be satisfied otherwise than with a judicature of his own choice, or with no judicature at all ; and of these alternatives the last would probably be most agreeable.

I cannot conclude this report to your Excellency without respectfully deprecating the dangerous consequences to be apprehended to his Majesty's Government, and the peace and tranquillity of the province, from the course which has been pursued by Mr. Waller and his associates, if it should be permitted to be successful. This course may be characterized in a few words : the Governor of the province, the courts of justice, juries, and other principal functionaries of His Majesty's Government, have been grossly calumniated, traduced and vilified. Of these grave offences the authors of them have been accused in legal form by the grand inquests of the country. Instead of meeting the charges against them in the course prescribed by law, the principal delinquent, for the purpose of counteracting the legal proceedings had against him and his associates, and in contempt for the authority of the court in which the accusations are pending, calls a meeting of his friends and partizans, who pronounce him and his co-delinquents

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quents innocent of the charges against them. Under colour of this meeting he frames resolutions, containing a specious misrepresentation of the facts on which the indictments have been found, and proclaims the falsehood of the charges contained in them. In these same resolutions the principal party accused renews the calumnies he had previously published against the Government and the administration of justice; and, on the ground that these calumnies are true, presumes, to decline the jurisdiction of the courts before which he and his associates stand indicted, as being corrupt and unfit to try them. Whether the execution of the laws can be thus eluded or frustrated is an important question, to which the attention of his Majesty's Government is necessarily called by the foregoing statement. I shall not be thought, I hope, to take an improper liberty, if I presume to express my humble conviction, that if impunity can be obtained by so unprecedented a course of proceeding, the consequences thence resulting must be a general contempt of the legal tribunal of the country, and an utter inability on the part of His Majesty's Colonial Government to assert its authority, and maintain peace and good order.

All which is, nevertheless, most respectfully submitted to your Excellency's wisdom, by your Excellency's

Most obedient humble servant,

Quebec, }
20th Oct. 1828. }

(signed) J. Stuart,
Attorney General.

APPENDIX to the Report of the Attorney General of Lower Canada, dated the 20th October 1828.

N° 1.—Extracts from the Canadian Spectator of the 7th November 1827, containing the Libellous Matter for which an Indictment was found by the Grand Jury against the Editor and Printer of that Paper, in a court of Oyer and Terminer and General Gaol Delivery, held at Montreal in November 1827.

"THE Official Gazette talks of the Speaker being the organ of "conciliation." With whom? Not between two parties in the Commons, over which he presided. There unanimity prevailed; for two or three voices from the officers of Government did not disturb the unanimity that prevailed in the Commons. Is it conciliation with his Excellency? What conciliation could be hoped for with an administration which, for seven years, had been violating the laws, violating the constitutional rights of the country, which had transacted with the ministers in England to declare against us, which had vowed interminable war with our rights, which dishonoured and defamed the lieutenant-governor who had won the affections of the country, and treated it kindly and established harmony, which had refused communications of necessary documents on important subjects, which had defamed, insulted and injured the representative body, which had sanctioned in its official papers the filthiest abuse against all individuals prized by their countrymen for their abilities, activity and patriotism. What hope of a conciliation remains with such an administration, which avows that it will not change, revives military ordinances against the plainest rules of legal construction, and employs the power with which it vests itself to punish British subjects for the exercise of civil rights, coercing the free expression of political opinion, which travels about thanking any half-dozen of remote, ignorant, fawning or designing individuals, for addresses which load it with flattery, and utter abusive calumnies against the representative body, chosen by the landholders and freeholders of the province. Conciliation is impracticable with such an administration. Conciliation to the clerkarchy would be submission, on the part of the House, to the loss of essential rights, to insult and to dishonour."

"The country is threatened by the Official Gazette, that if Mr. Papineau is chosen Speaker, the Governor, placing himself in opposition to the voice of the whole country, will refuse his consent, and dissolve the House. We hope the House will choose Mr. Papineau, and show reasons for choosing him, and persist in the choice. That the Governor and his council will refuse their ratification we think probable enough; how far that will be valued we cannot say; and we think it is probable they will dissolve the House, to the great injury of the country.

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Another subject of discord and discontent will thus be raised by the present administration, and the passions of the executive and of the place-holders will commence another war against the whole country. There can be little doubt that such an administration will be considered as a nuisance by the British Government, and that its own follies and misconduct will, if the country co-operate with firm and decisive measures, speedily extinguish it."

N° 2.—Extracts from the *Canadian Spectator* of 3d November 1827, containing the Libellous Matter, for which an Indictment was found by the Grand Jury against the Editor and Printer of that Paper, in a court of Oyer and Terminer and General Gaol Delivery, held at Montreal in November 1827.

Militia.—"Our readers will consider the following documents very interesting. Mr. Lee expresses himself like a British subject. The doctrines propagated by and on behalf of the provincial executive should make all true British subjects boil with indignation. The Governor not accountable! The Governor by his proclamation or general order to make law, and military law; and British subjects to be defamed because they decline obedience to orders which are not law! But the province will yet and soon have justice."

(Translation.)

"To His Excellency the Earl of Dalhousie, Governor in Chief of the Province of Lower Canada, &c. &c.

"My Lord,

Quebec, 29 October 1827.

"As you have made use of the public papers, and of your prerogative, to ruin me in the opinion of my fellow citizens, without having given me the legal and usual opportunity of being heard, I take the liberty very respectfully to use the same mode of conveying my answer.

"I protest then against the general order of militia of the 25th October, present month, which annuls my commission of captain in the 1st battalion of the militia of Quebec, of which Mr. Joseph François Perrault is lieutenant-colonel commandant, because I have honestly and lawfully refused to obey the illegal orders of lieutenant-colonel Perrault; because your general order of militia, my lord, as Governor in Chief, is illegal; because the idea adroitly circulated and propagated in society, that a governor, in virtue of his commission, is accountable for his actions to God and his own conscience only; or that he can with impunity, in any case whatever, act arbitrarily, despotically or tyrannically, in violation of the liberty or property of His Majesty's brave and loyal Canadian subjects, is a monstrous doctrine, which cannot be admitted without the greatest danger; because a governor cannot, under cloak of law, or even under the strictest forms of law, exercise cruelty, malice or oppression towards any of his Majesty's subjects, without being personally responsible for it; because you have lent yourself unjustly, my lord, to wicked, false and defamatory insinuations against me; finally, because the letter which you have published, my lord, at the head of the general order of militia, which annuls my commission of captain, contains absurdities falsehoods, and is incorrect.

(signed)

Thomas Lee,

Ex-Captain of the first battalion of Militia of the county of Quebec, and Notary."

N° 3.—Extracts from the "*Spectateur Canadien*" of the 14th November 1827, containing the Libellous Matter for which an Indictment was found by the Grand Jury against the Printer of that Paper, in the court of Oyer and Terminer and General Gaol Delivery, held at Montreal in November 1827.

(Translation.)

"Court of Oyer and Terminer.—On Monday last the grand jury found a true bill against Mr. Stanley Bagg for a nuisance, and against Mr. Jacques Viger for neglecting

neglecting to fulfil the duties of his office of surveyor of highways, &c. We now publish, respecting this interesting case, the facts which have come to our knowledge. Some months since Mr. Stanley Bagg caused to be erected on a piece of ground, within an inclosure, a small wooden building, which has since been inhabited. In consequence of a complaint made to the magistrates, the majority of them present, after a long contestation, ordered the demolition of the building, and that it should be taken down by Mr. Viger at the expense of Mr. Bagg, if he should not comply with their judgment within a certain day. Mr. Bagg, considering himself injured by this decision, made an application to some magistrates, who, being of opinion that he had cause of complaint, granted to him the writ of *supersedeas*, of which an account has already been given in the journals. Notwithstanding, Mr. Viger, in order to yield obedience to his orders, was about proceeding to execute the judgment, when the *supersedeas* caused him to suspend his labours, and he presented a report in form to the magistrates. The body of magistrates assembled, the object being to declare this order null; finally, they became sensible that the superior civil tribunal is alone competent to the decision of this dispute; and the meeting broke up. At this stage of the proceedings, the magistrates, who consider themselves aggrieved by this *supersedeas*, transmit to the Governor a complaint against their brethren of the magistracy:—we are ignorant of the answer which his Excellency may have given. But now the affair becomes serious, and the court of oyer and terminer holds cognizance of it. What may be the result we cannot say. It appears very extraordinary that in this manner civil affairs, and those of a different description, should indiscriminately be carried before a criminal court. By this proceeding, the ideas which we had formed of law and justice are forgotten and despised. The country presents an alarming aspect; the citizens have reason to tremble; the magistrates, who are offended at this *supersedeas*, are members of the grand jury, and the president of the police, who has directed all these proceedings, sits as a member of this court. One circumstance diminishes a little our alarm, and that is, that the grand jury will not have to decide finally on this prosecution. We do not mean to undertake Mr. Baggs' defence; if he has infringed the law, or if he has encroached on land not belonging to him, his pretensions ought to be over-ruled. But we consider the prosecution in the criminal term to be an insult and an outrage upon the laws, inasmuch as there was another tribunal more competent to decide on it, and which ought to have cognizance of it."

(Translation.)

"We cannot conclude without expressing our wish that the Legislature may speedily take into its consideration the changes which the organization of our criminal courts imperiously requires. The public funds of the province ought to be employed on objects of necessity, and not in prosecutions which are ruinous to the country, oppressive to the citizens, and in direct opposition to the purposes of the law. The object which those by whom these two prosecutions have been got up have in view is too evident to make it necessary that we should enlarge further on the subject; we should be apprehensive of offering an insult to the good sense of our readers if we were to go into details."

N° 4.—Extract of the Canadian Spectator of the 24th November, containing the Libellous Matter for which an Indictment was found by the Grand Jury against the Editor and Printer of that Paper, in the court of King's Bench, held at Montreal in March 1828.

"In England a practice, almost without exception, has established, that an individual acquitted by a jury of an accusation brought against him for a crime or misdemeanor is protected against any further prosecution and inquietude on account of that accusation. Our late court of oyer and terminer has just given us an example which overturns from the foundation that principle, and which teaches us that an individual is exposed to be prosecuted to infinity, for an offence of which he has already been acquitted by the country; and we do not here allude to Mr. Jobin, against whom the attorney-general has presented, at different times, three bills for the same offence. However, we console ourselves with the hope

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that what has just passed in that court will not be taken as a precedent, and a jury composed of independent men will never allow themselves to be used as an instrument, like that of the late court of oyer and terminer. The foreman, Mr. Henry M^cKenzie, had taken a very active part in favour of the administration in the late election. He had carried his imprudence (to give it no other name) so far as to require the intervention of the military at the election of the West Quarter; he was in the middle of a fray, where he played a part not suitable for a justice of peace; he had ventured to allege publicly that the Governor of this country was not amenable to the law. This Mr. M^cKenzie is a clerk in the employment of Mr. Molson, and has no other property than his salary. Would it be possible to expect much of independence and impartiality from a man in that situation, who had, as foreman of the jury, to judge of men who had taken a warm part in the elections on the side opposed to his opinion? To hope for justice in such case would be to show little knowledge of human nature, particularly when we know that this same Mr. M^cKenzie, instead of withdrawing when the jury was engaged with the business of the election for the West Ward, did conduct the measure himself, by relating facts, searching for witnesses, and giving his opinion.

"In saying that the public has great cause of complaint with respect to the composition and the proceedings of the grand jury in question, we owe it to justice to say, that five or six of the jury should be excepted; their character, private and public, and the independent manner with which they opposed, though without success, all these proceedings, make an honourable exception in their favour, and oblige me to distinguish them from the rest, many of whom should have been excluded from want of property and other circumstances."

N^o 5.—Extracts from the "Quebec Gazette" of 28th February 1828, containing the Libellous Matter for which Indictments were found by the Grand Jury against the Editor and Printer of that Paper, and also against Mr. Charles Mondelet, in the Court of King's Bench, held at Quebec in March 1828.

(Translation.)

"At a meeting of the Constitutional Committee of the District of Three Rivers (extraordinary sitting in the house of René Kimber, esq.), Monday, 25th February 1828:—Present, M. M. René Kimber, in the chair; Pierre Défossés, Jean Doucet, Etienne Tapin, Joseph Dubord Lafontaine, Jean Défossés, Louis R. Talbot, W. Vondenvelden, Joseph Courval, Etienne Leblanc, Pierre Blondin, L. Oliver Coulombe, Laurent Craig, Charles Mondelet, Ant. Z. Leblanc, and Antoine Cazeau.

"Read the general order of the 21st instant.

"Resolved, 1. That the loyalty, integrity, firmness and independence which have at all times characterized the actions, public and private, of François Le-gendre and Antoine Poulin Courval, esqrs., vice-presidents of this committee, and especially the conduct which they have displayed in the crisis which has made it necessary for the inhabitants of this country to prefer accusations against the Earl of Dalhousie, entitle them to the confidence and respect of their fellow-citizens.

"Resolved, 2. That this committee has learnt that, by the general order of militia of the 21st instant, his Excellency George Earl of Dalhousie has broken and removed these two gentlemen from the rank of lieutenant-colonels in the militia, on an allegation 'that they have shown themselves the active agents of a party hostile to His Majesty's Government.'

"Resolved, 3. That in the opinion of this committee the allegation on the part of his Excellency is entirely unfounded.

"Resolved, 4. That in consequence this committee considers itself authorized to declare that these dismissals can never affect the respectability of the persons who have been the objects of them.

"Resolved, 5. That the following address to Messrs. François Le Gendre and Antoine Poulin de Courval be adopted by this committee, and that a special committee,

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mittee, composed of four members, to wit, Messrs. Jean Ducet, Joseph Dubord Lafontaine, Etienne Leblanc, and Jean Défossés, do take the necessary steps for conveying it to Messrs. Le Gendre and Courval.

“ (True extract.)

“ *Charles Mondelet,* } Secretaries.”
 “ *Ant. Z. Leblanc,* }

“ Tuesday, the 26th.—The four gentlemen chosen by the committee to convey the address of the committee to Messrs. Le Gendre and De Courval, having learned that Mr. Le Gendre was in town, waited on him at the hotel in which he lodged, and presented to him the following address adopted by the committee :

“ To François Le Gendre and Antoine Poulin De Courval, esquires.

“ We, members of the constitutional committee of the district of Three Rivers, have thought it our duty to express to you how sensibly we feel the injustice which has been done to you by his Excellency George Earl of Dalhousie, in depriving you of your commissions of lieutenant-colonels. We hope that this arbitrary measure will be put aside by his Majesty’s paternal Government, and at the same time we take the liberty to inform you that our esteem for you has been increased in proportion to the rank of which you have been both deprived. This committee sees in you two courageous patriots, who have acquired the more claims to public respect since the administration has endeavoured to render you contemptible.”

“ Three Rivers, 25th February 1828.”

(Translation.)

“ Before the adoption of the Resolutions, Mr. Charles Mondelet addressed a few words to the meeting, nearly as follows :

“ Gentlemen—At a time when the public mind was about resuming that tranquillity which distinguishes Canadians, a fresh act of colonial administration has occurred to prevent it. The Official Gazette of the 21st inst. informs us that among others, François Legendre and Antoine Poulin De Courval, esquires, our two vice-presidents, have been deprived, by the Earl of Dalhousie, of their commissions as lieutenant-colonels ; and the reason assigned by his Excellency for this measure is certainly most singular. These gentlemen, would you believe it, these men who have always been eminently distinguished for tried loyalty, the most elevated courage, and the most inviolable attachment to their country, are accused by his Excellency, the Governor in Chief of having shown themselves the active agents of a party hostile to His Majesty’s Government. What accusations, gentlemen, against such men ! In themselves, these accusations would not merit a refutation ; for who is there among you that is not aware that they are absolutely without foundation ? But they are made by an elevated authority, which conceives it sufficient to be exalted in rank to attack with impunity citizens who are respectable and without reproach. These absurd and tyrannical notions unfortunately, are entertained by other persons besides the Earl of Dalhousie ; they are entertained by other men interested in propagating and inculcating them in the society as being just and sensible. It is then important, gentlemen, that his Excellency should know that if his rank be elevated, he derives from it no right to level against our citizens accusations so defamatory, and which would be sensibly felt if they did not proceed from a quarter which abounds with materials of this description. You all recollect the public meeting of this district, on the 22nd December last. You recollect that Mr. Kimber presided at it, and that Messrs. Legendre and Courval were vice-presidents. You all know that these gentlemen evinced for the country the same zeal for which so many other patriots have been distinguished. They supported with firmness the resolutions and petition which in a few weeks will be submitted to the King and to the Imperial Parliament, and which contain charges against the Earl of Dalhousie of which the whole country has loudly proclaimed the truth. They have, in a word, shown themselves publicly the defenders of their country, the friends of their fellow-citizens, true Canadians. What titles, then, have they not acquired to the hatred and

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malevolence of an administration surrounded by persons who labour to deceive it, and who shamefully sacrifice their honour and their rights to encourage an oppression of which no example has ever been afforded in English colonies. If Messrs. Legendre and Courval had enlisted themselves under the banners of this horde of invaders and destroyers (at least in inclination) of our rights, they would now have been held forth as faithful subjects. It is, then, an honour, a glory for these brave citizens to see their names inscribed on the interminable catalogue of victims to their devotion to the sacred cause of their country! But if we share in these sentiments, let us hasten to make them known to these gentlemen. Let them be indemnified.—What do I say? Let them despise this vain attempt to degrade them; they can never be degraded, inasmuch as the country sets a proper value on them; and what more can be desired by Canadians who are friends of their country?

“ Our proceedings when made public will teach his Excellency that rank alone is not a sufficient title to respect, that merit only has weight among honest people, and that public opinion is not only a counterpoise to accusations so ill-timed as those made by him, but that it is infinitely preferable to all the honours in which he steepes those who only obtain them by abjuring their political faith, by declaring themselves traitors to the country, and by disgracing for ever a name, which was only given them that they might add to it that of ‘true Canadians.’”

(Translation.)

“ Narcisse Duchesnay, Esq., Lieutenant-colonel, &c.

“ My Colonel,

Beauport, 1st February 1828.

Under the administration of a man for ever memorable, and worthy of the love of all good and loyal subjects, I felt myself honoured in meriting sufficiently the confidence of so illustrious a personage, to be charged by him with the commission of ensign.

“ But at this moment, when every thing is venal, when it is impossible to be at the same time a citizen and a militia officer, when so many persons a thousand times more respectable than me have been displaced, and when other persons, strangers and unknown, have been substituted in their place, I should consider myself polluted if I retained a commission which has no longer anything in it but what is degrading to my eyes.

“ How much soever I was honoured when I received this commission, I did not accept it till I was assured that it would be my duty to act in conformity to law. As this conformity can no longer obtain, my commission ceases to exist; it is yours, dispose of it.

(signed)

“ *M. Parant.*”

N° 6.—Extract from the Quebec Gazette of the 11th of March 1828, containing the Libellous Matter for which an indictment was found by the Grand Jury against the Editor and Printer of that Paper, in the term of the Court of King's Bench held at Quebec in March 1828.

(Translation.)

“ At a general meeting of the Constitutional Committee of the parishes of St. Gregorie, Becancour, Gentilly and St. Pierre les Becquets, held in the house of Mr. Joseph Malhiot, in the parish of Becancour, the 5th March instant:—Present, Messieurs Jean Bte. Hebert, in the chair; Joseph Turcot, Antoine Leblanc, vice-presidents; J. B. Legendre, Michael Malhiot, Ls. Landry, B. B. Beauchène, Jean Turcot, M. Gingrass, Pierre Dubois, Julien Reau, Isidore Désilait, Jos. Malhiot, Laurent Genest, Alexis Reau, J. B. Panneton, D. Prince, Is. Chartier, Ls. Leblanc, P. Désilait, J. Beauchène, Jos. Bellepeule, Frs. Heon, Thos. Fortier, Jos. Pepin.

“ Read the general order of militia, 21st February last.

“ Resolved, 1. That this meeting, composed of the majority of the officers of the 3d battalion of the county of Buckinghamshire, ought immediately to take into consideration the removal of François Legendre, esq., as lieutenant-colonel commanding

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commanding the said battalion, effected by the general order of militia of the 21st February last.

" Resolved, 2. That during the time that the said François Legendre, esq. was commandant of the said battalion, and of the late division of Becancour, his conduct was always loyal and irreproachable, which procured him the respect, confidence and esteem of all the persons who have been under his command.

" Resolved, 3. That this meeting regrets infinitely that his Excellency should have exerted his authority for the purpose of depriving that gentleman of a commission, the duties of which he fulfilled with honour, by reason of his justice, his moderation and his punctuality.

" Resolved, 4. That this meeting can perceive no reason which could have induced his Excellency to act in so arbitrary a manner, unless it be the zeal with which François Legendre, esq. conducted himself as a member of the Constitutional Committee of the district of Three Rivers.

" Resolved, 5. That this removal, as well as several others, is an unequivocal proof that his Excellency listens to the false reports of persons who are enemies of every thing that is liberal and constitutional, and who are only anxious to gratify the hatred they bear to the Canadian people.

" Resolved, 6. That persons who accept commissions in the place of persons who have been removed without legal cause are deserving of the public disapprobation, and are to be considered in no other light than in that of enemies of the rights of the people.

" Resolved, 7. That the members of this meeting, forming the majority of the officers of the said 3d battalion of the county of Buckinghamshire, will not submit to obey, without mortification, the person who will receive orders to take the command of the said battalion.

" Resolved, 8. That a letter be addressed to François Legendre, esquire, and presented to him by two persons chosen by the said meeting, assuring him this meeting will always consider him a sincere friend of the rights of the people; that it will consider his removal as a civic crown acquired by his devotion, and it will always entertain for him the same respect, the same confidence, the same esteem, which it has heretofore entertained, and which he has justly merited, in the several capacities of representative of the county, lieutenant-colonel, magistrate, and simple citizen.

" Resolved, 9. That the following letter to Mr. Legendre be adopted, and that J. Bte. Hebert and Louis Landry, esquires, be requested to present it to him.

" Resolved, 10. That this meeting thanks the president for the zeal shown by him on this occasion.

" Resolved, 11. That the proceedings of this meeting be published.

(signed) " *Laurent Genest,*
" *Secretary.*"

(A true copy.)

" The 7th inst. M. M. Hebert and Landry complied with the desire of the meeting, by presenting to Mr. Legendre the following address :

" Sir,—We, the undersigned officers of your late battalion, have learnt by a general order of the 21st February last, that it has pleased his Excellency to deprive you of your commission as lieutenant-colonel. This dismissal would have surprised us at any other time and under different circumstances; but accustomed to see the dismissal of persons of the highest consideration, we had already foreseen that your personal merit and your devotion to the public cause would expose you to the invidious remarks of subaltern agents, who, in order to obtain your commission, would represent you in a false light to a military chief. We assure you that we preserve for you the esteem, consideration and respect which your civil and military conduct have entitled you to, and that we look upon your dismissal as being equivalent to a civic crown.

(signed) " *Jean Bte. Hebert,* President.
" *Louis Landry.*"

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(Answer of Mr. Legendre.)

“ Gentlemen,

Gentilly, 7th March 1828.

“ I am sensibly affected by the esteem you show for me on this occasion. Your devotion assures me of the sentiments you have entertained for me in past times, and I thank you for it. I was not at all surprised to observe in the Official Gazette a general order of the Earl of Dalhousie, which announced my dismissal from the command of the 3d battalion of the county of Buckinghamshire, after the plots long since hatched against me by mean and crouching individuals, who at last have found a favourable opportunity in the credulity of a chief who permits himself to be drawn into error by impostors, who decide at random without hearing the parties accused.

“ I have the honour to be, Gentlemen, your servant,

(signed) “ *Francis Legendre.*”

N° 7.—Extract from the Quebec Gazette, of the 12th November 1827, containing the libellous matter for which an indictment was found by the Grand Jury against Mr. Charles Mondelet, in the term of the Court of King’s Bench held at Quebec in March 1828.

(Translation.)

“ To his Excellency George Earl of Dalhousie, Governor in Chief, &c. &c. &c.

“ Quebec, 10th November 1828.

“ May it please your Excellency,

“ If I were only influenced by the voice which is strongly emitted from the bottom of the hearts of your partisans, and of the greater part of your courtizans, I should, perhaps, be inclined to see in you a privileged being, not to be reached by law ; but may it please your Excellency, proud of being born and of living a British subject, I must admit as a sovereign principle, that the law is superior to the authorities. I may then be permitted to avail myself of the right which every British subject enjoys, that of exposing to your Excellency, with all the respect due to your high rank, a recent act of your administration which it appears to me is not much calculated to signalize its character. The greatest clearness, if I am not mistaken, as well as the most scrupulous good faith, ought to characterize the acts of every administration ; good faith in the performance of them, clearness in the mode and manner of submitting them to the public. Whatever, then, may it please your Excellency, may be the merit of the motives which have led your Council to advise you to dismiss me from my commission of captain-aide-major in the division of Boucherville, I will take the liberty of telling your Excellency that your Council has deviated a little from sound logic in advising you on this subject, to say nothing of the illegality of your general order of the 5th November instant, in the issuing of which your Council has made your Excellency an instrument. The reason assigned as the determining cause in your Excellency’s mind appears to be my absence from the division to which I belonged. It must be admitted, that if this discovery on the part of your Council be recent, it is not very creditable to it ; if it was not known that I did not reside at Boucherville, how happens it that the zeal of your Council has up to the present time been so sluggish ? If, then, the motive of your Excellency for dismissing me has been my non-residence in the division of Boucherville, it is rather singular that M. M. Charles Panet, Pierre Elzeard Taschereau, and Charles Turgeon, equally absent with myself from the divisions to which they belong, should have become such peculiar objects of the favor of your Council as to induce it to give your Excellency such extraordinary advice. These gentlemen have been promoted ; and, singular to say, your Council has not been fearful, either for itself or for your Excellency, of public reprobation or ridicule, which such contradictory conduct must bring on the person guilty of it ! A few lines suffice to exhibit it to the public in all its deformity.

“ It appears to me, may it please your Excellency, that law, justice and sound policy (which, under an administration, ought to have for its object not to excite
discontent

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discontent) ought to have had sufficient influence to prevent your Council, and as a necessary consequence, your Excellency, from thus going astray. To dismiss a British subject from his public functions without first affording him an opportunity of being heard, without assigning to him any reasons for the measure, or assigning such as cover both the measure itself as well as those by whom it has been adopted with ridicule, is certainly not manifesting much respect for public opinion, and for the ideas and principles which the present age and the admirable system of British administration have concentrated at the seat of the empire, which, thanks to your Council, is often prevented from making us sensible of its mild influence.

“ If you had charged me, may it please your Excellency, with a refusal to execute your general orders, which appear to me to be as illegal and as destitute of all legal character as the ordinances which are alleged to be the foundation of them, you could not, it is true, in justice dismiss me without giving me an opportunity of being heard; but at least, in its form, your general order would not have been revolting to reason, and that order would not have been so striking an object of ridicule with men who do not make a voluntary or constrained profession of bowing their heads with servility on hearing the voice of him who, in the estimation of many, is considered to be above the laws. Finally, may it please your Excellency, I will take the liberty of telling you with the freedom of a British subject, that your council leads your Excellency sadly astray by inducing you to commit acts which ought to be unheard of under British dominion, and of which our colony alone exhibits examples. As to my dismissal (which in fact is no dismissal at all, inasmuch as there are no militia laws), far from its mortifying me or producing on me the effect which your council and your Excellency may have anticipated, it can only redound to my honour, whether it has been occasioned by my refusal to acknowledge to be law, ordinances which are not so, or by the political conduct which justice, my respect for the laws and constitution, and by my inviolable attachments to the interests of my country have compelled me to pursue. Such has been my conduct, may it please your Excellency, such it will continue to be as long as I shall have the happiness of being a British subject.

(signed) “ *Charles Mondelet,*

“ Ex Captain Aide Major in the division of Boucherville,
and Advocate, residing at Three Rivers.”

N° 8.—Extracts of the Quebec Gazette, 29th November 1827, containing the libellous matter for which an indictment was found by the grand jury against Mr. Neilson, the editor and printer of that paper, in the term of the Court of King's Bench held at Quebec in March 1828.

(Translation.)

“ WE have seen that the attorney-general laid before the grand jury bills of indictment for libel; to wit, two against M. M. Waller and Duvernay, the former being editor, and the latter printer of the Canadian Spectator, and one against Mr. Lane, printer of the Spectateur Canadien, and that the majority of the jury found these bills true. As the sole remark to be made, I refer to the composition of the jury and declare, that it is the first time to my knowledge, that a court of justice, instead of inspiring in all the citizens confidence and security, has appeared, on the contrary, to inspire alarm for the liberty and property of the inhabitants in general, for whose protection it must be supposed to have been constituted. The bill found against the editors of the papers which are not the supporters of arbitrary power, is certainly worthy of the other proceedings of a court which, instead of occupying itself according to constant usage, and as pointed out in the charge of his honor Judge Reid, in delivering the gaol crowded with brigands, incendiaries, and murderers, selected almost exclusively as the objects of its labours, during a session of fifteen days, offences of a much inferior description, such as riots, assaults and batteries, and mere misdemeanors, before which, in fine, were dragged, for political offences, persons who had already been acquitted by a jury of their country, or other persons who were not even in custody when this court was constituted. The bills for

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perjury found at the instance of the attorney-general against persons who had been acquitted at the last term of the Court of King's Bench; the bills for riot and assault and battery against a number of the electors of the west ward of Montreal, whereas the last grand jury had found a bill against two only for rescue, that is, for rescuing a person out of the hands of the constables; the accusation against Mr. Jacques Viger for not having executed an order of the magistrates, which he was prevented from executing in consequence of a supersedeas granted by several other of the magistrates; finally, the bill against the presses which do not servilely crouch at the feet of certain public officers. This is the kind of protection for which the society, from which the grand jury it is pretended was drawn, is indebted. In speaking of the composition of the grand jury, we do not mean to say that all the members of it were of the same cast; such partiality would have been too evident. I only persuade myself that the mere inspection of their names is sufficient to excite strong suspicions on this head."

(Translation.)

"The members of the jury were far from being unanimous on the accusations of a political nature; several of them would have blushed at being made the instrument of persecution; it is even said that some whose political opinions might have led them astray, were struck with the nature of the offences brought before that court; it is also said that in the affair of the journals, fourteen only out of twenty-nine jurors concurred in opinion on one of these bills; that one of the members of the minority explained to his colleagues, in a firm and luminous manner, the danger they would incur by acting under the influence of resentment and passion."

N° 17.—COPY of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt, dated Downing-street, 13th April 1829.

SIR,

Downing-street, 13th April 1829.

I have the honour to acknowledge the receipt of your Excellency's despatch, N° 19, of the 27th February last, relative to the measures which you had considered it necessary to pursue in regard to the prosecutions for libel, which had been instituted by the attorney-general of Lower Canada, and I have to convey to you my entire approbation of the course which you have adopted.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) G. MURRAY.

N° 18.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray, dated 7th March 1829.

SIR,

Castle of St. Louis, Quebec, 7th March 1829.

In my despatch of the 13th December last (N° 24) I had the honour to transmit to you the copy of an address which had been presented to me by the House of Assembly, together with some resolutions adopted by the House with reference to the message which I sent to both Houses of the Provincial Parliament, on the 28th November, upon the subject of the Provincial Revenue, and other matters of great importance, agreeably to the instructions conveyed to me in your despatch of the 29th of September.

I have now the honour to transmit to you the copy of an address which I have received from the Legislative Council on the same subject; and you will not fail to observe that a very different opinion is entertained by that branch of the legislature from that expressed by the Assembly with regard to the right of His Majesty to appropriate the revenue raised under the Act 14 Geo. 3, c. 88. The Council state that they deferred the consideration of the message until the present advanced period of the session, with a view to the more mature consideration of the important matters

matters which had been referred to them ; and after having deliberately considered the several points to which their attention had been called, they have concurred in this address, expressing their sentiments thereon.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) JAMES KEMPT.

To His Excellency Sir James Kempt, Knight Grand Cross of the most honourable military order of the Bath, Lieutenant-general and Commander of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, and in the Island of Newfoundland, and Administrator of the Government of the said Province of Lower Canada.

Quebec, 4th March 1829.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Legislative Council of Lower Canada, in Provincial Parliament assembled, having, in obedience to His Majesty's commands, transmitted to this house by message from your Excellency on the 28th November last, taken into consideration the very important matter contained in that communication, most gratefully acknowledge this instance of His Majesty's paternal regard for the interests and welfare of his Canadian subjects, and are deeply sensible of the solicitude of His Majesty's government to reconcile past differences and to promote the return of harmony, in order that the undivided attention of the legislature may be bestowed on the best method for advancing the prosperity and developing the resources of the extensive and valuable territories comprised within his Majesty's Canadian provinces.

The consideration of your Excellency's message has been deferred until this advanced period of the session, in the view to the more mature consideration of the subjects upon which your Excellency has called for the expression of our sentiments.

The Legislative Council entertain no doubt that His Majesty has been well advised in declaring that His Majesty is not authorized to place the revenue arising from the statute of the 14th of Geo. 3. c. 88, under the control of the legislature of this province.

His Majesty having been pleased to direct that from the revenue which the law has placed at the disposal of the Crown, the salaries of the officers administering the government of the province, and the salaries of the judges shall be defrayed ; the Legislative Council perceive in this determination His Majesty's attention graciously directed to the preservation of the dignity of the executive government and the independent administration of justice. When your Excellency announces to us that no further appropriation of any part of that revenue will be made until the sentiments of the legislature shall be known, we feel it incumbent on us humbly to recommend that the pensions, for the payment of which His Majesty's royal word is pledged, should be paid out of such part of the revenue of the crown as His Majesty may consider not to be by law specially appropriated, and that the residue should continue to be applied by His Majesty to defray the charges of the administration of justice and the support of the civil government, as is by law provided.

The Legislative Council will most cheerfully concur in making such further provision, as the exigencies of the public service may require, and to which the amount of the crown revenue may prove inadequate.

The Legislative Council consider it to be the right of the provincial legislature to appropriate the balance of money in the hands of the receiver-general, which is not by law placed at the disposal of the Crown.

The Legislative Council has every disposition to concur in the enactment of a law for the indemnity of any persons who have heretofore, without authority, signed or acted in obedience to warrants for the appropriation to the public service of any unappropriated monies of the province, and the Legislative Council feel that their acquiescence in His Majesty's recommendation will be justified by the consideration of the very difficult situation in which such persons were placed

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under the refusal of supplies required for public services, similar to those previously sanctioned by the Legislature in the year 1818, and which has continued to be paid from that period.

The Legislative Council receive with extreme satisfaction the communication made by command of His Majesty, that a scheme for the permanent settlement of the financial concerns of Lower Canada is in contemplation, and they will be most happy if the result shall be such as to prove conducive to the general welfare of the province, and satisfactory to His Majesty's faithful Canadian subjects.

The Legislative Council perceive some inconvenience in the plan recommended by His Majesty's Government for paying over the balances in the hands of the receivers-general and sheriffs to the commissary-general, particularly in the mode of repayment by bills on the Treasury for the amount of the sums paid to that officer; but the Legislative Council will concur in any proper measure for preventing the accumulation of balances in the hands of public accountants, and for obtaining security against abuses in those departments.

In respect to the distribution between the provinces of Upper and Lower Canada, of the duties of customs collected at Quebec, this House will readily concur in the appointment of Commissioners on the part of this province to meet Commissioners on the part of the Upper province, in the view to the establishment of a just and equitable system, calculated to avoid future difficulties upon this interesting subject, and the Legislative Council will be extremely happy if the arrangements to be made by the Commissioners should render unnecessary any further interference of the Imperial Parliament.

In respect to the appointment of an agent in England, this House is duly sensible of His Majesty's readiness to accede to the expressed wishes of the Assembly, and the Legislative Council anxiously hope that notwithstanding the marked and important dissimilarity that exists between the Constitutions of the Canadas and those of all other British Colonies, the selection of the agent may be such as to unite the views and to preserve the constitutional privileges of both branches of this legislature, as well as to ensure the approbation of His Majesty's Government. In the event of the abolition of the office of agent as it is at present constituted, this House recognizes the justness of the principle announced by His Majesty's Government, that some adequate indemnity should be provided for the present holder of the office; and they respectfully recommend that the same principle should be applied to the incumbents of other offices of long standing, which His Majesty may deem it expedient to abolish or reduce, in all cases when the conduct of such officer has been unexceptionable.

With respect to the expediency of imposing taxes on wild lands, this House will give the subject, when it may be brought before them, the most deliberate consideration.

The attention of the Legislative Council has been frequently directed to the mischiefs resulting from the system of tacit mortgages, and they are always ready to entertain any measures that may be brought before them for the prevention of those evils in the province at large.

The Legislative Council has evinced their disposition to accomplish this object as far as appears practicable, by passing in the present session, a bill for the establishment of offices for the inregistration of deeds in the townships; and this House has now under consideration the subject of the erection of courts for the decision of causes arising in the townships.

The Legislative Council assures your Excellency that they will cordially concur in all constitutional measures that shall be calculated to promote the common good, in whatever quarter such measures may happen to originate.

Signed by order.

(signed) *J. Sewell,*
Speaker of the Legislative Council.

N° 19.—COPY of a Despatch from Lieutenant General Sir James Kempt to Secretary Sir George Murray.

SIR,

Castle of St. Louis,
Quebec, 25th March 1829.

I had the honour to inform you in my letter of the 16th instant of my having prorogued the Parliament of this province after a long and laborious session ; and I hasten to communicate to you the measures that have been adopted with the view of meeting the financial difficulties of the present year.

The House of Assembly having declined to express any opinion as to the most advantageous mode of applying the Crown Revenues to the public service, as proposed in the communication which I was instructed to make to the Provincial Legislature ; and having also by their resolutions, which I had the honour to transmit to you in my despatch of the 13th of December, denied the right of the Crown to appropriate the funds which the law has placed at His Majesty's disposal, as declared in the message of the 28th of November 1828. It appeared to me, that the only course which I could take under such circumstances, was to submit to the Legislature an estimate of the whole expenses of the Civil Government for the current year, to deduct from the same the estimated amount of the Crown Revenue, and to call upon the House of Assembly to make provision for the balance, it being the sum required to defray the whole expenses of the Civil Government.

I accordingly submitted an estimate of this description to the Legislative Council and Assembly, a copy of which (No. 1.) is herewith enclosed. It amounts, as you will see, to 62,128*l.* 10*s.* 9*d.*, and the estimated revenue at the disposal of the Crown being 38,100*l.*, a supply of 24,028*l.* 10*s.* 9*d.* was consequently required to meet the expenses of the public service for the present year.

No. 1.

This sum, however, the House of Assembly refused to grant, objecting to several items in the estimate, amounting in all to 2,871*l.*, as shown in No. 2, p. 75 ; and it being intended to provide by special Acts for the charge of 3,184*l.* 10*s.* for salaries and incidental expenses attending the collection of the revenue ; and also for 1,530*l.* 18*s.* 3*d.*, being the expense of the militia staff and contingencies ; these sums, amounting in all to 7,586*l.* 8*s.* 3*d.*, were deducted from the estimate by the House of Assembly, which reduced its amount to 54,542*l.* 2*s.* 6*d.* ; and a Bill of Supply, founded on this estimate, having passed both branches of the Legislature, I have the honour to inform you that I have assented to the same in His Majesty's name. A copy of this Act (No. 3.) is herewith enclosed ; it is entitled, a Bill "to make further provision for defraying the Civil Expenditure of the Provincial Government," and the sum of 38,100*l.* being already appropriated for that purpose, as declared by the King's commands in the message of the 28th of November 1828, the public service simply required provision being made for the difference between 38,100*l.* and the amount of the estimate ; the House of Assembly, however, would not grant a supply in any other form than that which has been adopted, and the Bill having passed both branches of the Legislature, I did not feel myself justified in withholding my assent to it under existing circumstances.

£.	s.	d.
2,871	—	—
3,184	10	—
1,530	18	3
£. 7,586	8	3

Vide No. 2, p. 75

No. 3.

I could entertain no hope, after the resolutions adopted by the House of Assembly, that it would be disposed to pass any Act in which the King's right to appropriate the revenue raised by the 14 Geo. 3, c. 88, would be *specifically* acknowledged ; and although the present Bill is substantially the same as the Supply Bill passed in 1825, to which objections were stated by Earl Bathurst in a despatch addressed to Sir Francis Burton, dated the 4th of June 1825, yet, as you admit in the despatch of the 29th of September 1828, which I have had the honour of receiving from you, that "so long as the House of Assembly is called upon to provide for, and to regulate any portion of the public expenditure, it virtually acquires a control over the whole," and "as a scheme for the permanent settlement of the financial concerns of the province is in contemplation ;" I assented to the present arrangement, viewing it as a temporary measure to meet the difficulties of the present year, until

such

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such scheme is matured, and a permanent settlement effected of the question in controversy, by His Majesty's Government at home.

I was further induced to give my assent to the present measure, by the consideration, that without a supply of some kind from the Provincial Legislature, the public service could not be carried on under the instructions which I have had the honour of receiving from you; the funds which the law has placed at His Majesty's disposal, being insufficient to defray the expenses of the Civil Government; under all circumstances, therefore, I entertain a hope that the arrangement which I have sanctioned will be approved of by His Majesty's Government.

No. 4.

It will be necessary, however, that I should receive instructions from you as to the funds from which the items objected to by the House of Assembly are to be defrayed. They may be classed under three heads; viz. salaries and allowances to the officers of the Civil Government; pensions recently granted; and contingent charges attending the administration of justice. Of the two first, I herewith transmit a separate statement (No. 4.), with such explanations as I am able to afford you upon the subject of their rejection by the House of Assembly; it being my duty, however, at the same time to observe, that they are charges which have been admitted by the Lords of the Treasury, and included in the warrants sent out last year by their Lordships for the appropriation of the duties raised under the 14 Geo. 3, c. 88; It will be necessary, therefore, that I should be furnished with a new authority from their Lordships, if it is the intention of His Majesty's Government, that the charges should continue to be paid out of the same fund.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) JAMES KEMPT.

(1.)—ABSTRACT of the within Estimate.

	£.	s.	d.
For salaries to officers of government, and contingent expenses of the several offices - - - - -	10,175	1	3
Receiver-general's office - - - - -	1,100	-	-
Offices of audit and inspection of public accounts - - - - -	900	-	-
Executive council - - - - -	1,732	10	-
Legislative council - - - - -	4,827	18	-
Rent of the bishop's palace for both houses of legislature - - - - -	500	-	-
House of assembly - - - - -	7,889	10	-
Salaries of judges, and other expenses attending the administration of justice:—			
Fixed - - - - -	£.15,602	-	-
Contingent - - - - -	9,060	-	-
	24,662	-	-
Pensions - - - - -	2,083	2	-
Surveyor-general's office - - - - -	1,152	10	-
Militia staff and contingencies - - - - -	1,530	18	3
Miscellaneous expenses - - - - -	2,168	11	3
Expenses of collecting revenue, in part deducted in course of collection -	3,406	10	-
TOTAL Sterling - - - - -	£. 62,128	10	9

AND GOVERNORS OF UPPER AND LOWER CANADA. 69

**ESTIMATE of the Civil Expenditure of the Government of Lower Canada,
for the Year 1829.**

	Sterling.			Sterling.		
	£.	s.	d.	£.	s.	d.
Salaries to Officers of Government, and Contingent Expenses of the several Offices:						
Salary of the governor in chief - - - - -	4,500	-	-			
— of the lieutenant-governor - - - - -	1,500	-	-			
— of the lieutenant-governor of Gaspé - - - - -	300	-	-			
— of the secretary to the governor in chief - - - - -	500	-	-			
— of the assistant ditto - - - - -	200	-	-			
— of two assistants in the office - - - - -	365	-	-			
— of the keeper of ditto - - - - -	45	-	-			
Allowance to ditto, in lieu of apartments formerly allowed him as keeper of ditto - - - - -	25	-	-			
Salary of the messenger in ditto - - - - -	45	-	-			
— of the extra ditto in ditto - - - - -	41	1	3			
Postages of secretary's office - - - - -	1,000	-	-			
Stationery, printing and extra writing for ditto - - - - -	300	-	-			
Allowance for translating public documents into French - - - - -	50	-	-			
Salary of the auditor of land patents - - - - -	200	-	-			
— of the secretary of the province (charged as a pension) - - - - -						
Rent of office for registering grants of crown lands - - - - -	54	-	-			
Contingencies of provincial secretary's office - - - - -	80	-	-			
For a messenger to ditto - - - - -	30	-	-			
Salary of the provincial agent residing in London - - - - -	200	-	-			
For residents on the island of Anticosti - - - - -	130	-	-			
Rent of building used for offices of the civil departments of government - - - - -	495	-	-			
Allowance to the keeper of ditto - - - - -	40	-	-			
Contingent expenses attending the care of ditto - - - - -	25	-	-			
For purchase of fuel for ditto - - - - -	50	-	-			
				10,175	1	3
Receiver-General's Office:						
Salary of the receiver-general - - - - -	1,000	-	-			
Allowance for a clerk - - - - -	100	-	-			
				1,100	-	-
Offices of Audit and Inspection of Public Accounts:						
Salary of the auditor-general - - - - -	400	-	-			
Allowance for a clerk - - - - -	100	-	-			
Salary of the inspector-general of public provincial accounts - - - - -	300	-	-			
Allowance to ditto for a clerk, &c. - - - - -	100	-	-			
				900	-	-
Executive Council:						
Salary to nine members, at 100 <i>l.</i> each - - - - -	900	-	-			
— of the registrar and clerk - - - - -	500	-	-			
— of the assistant ditto - - - - -	182	10	-			
— for stationery, printing, &c. - - - - -	50	-	-			
— messenger and keeper of the apartments - - - - -	50	-	-			
— door-keeper and office servant - - - - -	50	-	-			
				1,732	10	-
				(continued)		

70 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

	Sterling.	Sterling.
	£. s. d.	£. s. d.
Legislative Council:		
Salary of the speaker - - - - -	900 - -	
— of the clerk - - - - -	450 - -	
— of the assistant clerk - - - - -	360 - -	
— of the writing clerk, assistant, and French translator - - - - -	225 - -	
— of the law clerk - - - - -	180 - -	
— of the master in chancery - - - - -	81 - -	
— of the gentleman usher of the black rod - - - - -	135 - -	
— of the serjeant at arms - - - - -	90 - -	
— of the messenger - - - - -	32 8 -	
— of the door-keeper - - - - -	25 - -	
— of the keeper of the apartments and allowance for house rent - - - - -	49 10 -	
Contingent expenses - - - - -	2,300 - -	
Rent of bishop's palace - - - - -	- - -	4,827 18 -
		500 -
The House of Assembly:		
Salary of the speaker - - - - -	900 - -	
— of the clerk - - - - -	450 - -	
— of the assistant clerk - - - - -	360 - -	
— of the English translator - - - - -	180 - -	
— of the French ditto - - - - -	180 - -	
— of the law clerk - - - - -	180 - -	
— of the serjeant at arms - - - - -	90 - -	
— of the keeper of the apartments and for house rent - - - - -	49 10 -	
— of the clerk of the crown in chancery - - - - -	100 - -	
Contingent expenses - - - - -	5,400 - -	
		7,889 10 -
Salaries of the Judges and other Expenses attending the Administration of Justice:		
Fixed:		
Salary of the chief justice of the province - - -	1,500 - -	
— of the chief justice of Montreal - - -	1,100 - -	
— of six puisne judges, at 900 l. sterling each - - -	5,400 - -	
— of three provincial judges, at 600 l. - - -	1,800 - -	
— of the judge of the court of vice-admiralty - - -	200 - -	
Allowance for circuits, '11 in the year - - -	825 - -	
Salary of the attorney-general - - -	300 - -	
— of the solicitor-general - - -	200 - -	
— of the advocate-general - - -	200 - -	
— of the sheriff of the district of Quebec - - -	100 - -	
— of the ditto of the ditto of Montreal - - -	100 - -	
— of the ditto of the ditto of Three Rivers - - -	75 - -	
— of the ditto of the ditto of Gaspé - - -	70 - -	
— of the ditto of the ditto of St. Francis - - -	50 - -	
Allowance to sheriff of Quebec, Montreal and Three Rivers, for three executioners, at 27 l. sterling each -	81 - -	
Ditto - to ditto of Gaspé for travelling expenses -	10 - -	
Salaries of the coroner for the district of Quebec - -	100 - -	
— of the ditto for - - - - Montreal - -	100 - -	
— of the ditto for - - - - Three Rivers - -	50 - -	
— of the clerk of the court and peace, district of Gaspé, and allowance for travelling expenses -	60 - -	
— of the ditto and ditto district of St. Francis -	50 - -	
— of three clerks of the Crown; at Quebec 40 l., at Montreal 40 l., at Three Rivers 20 l. - -	100 - -	
— of the clerk of the court of appeals - - -	120 - -	
Allowance to ditto for stationery for the court - -	6 - -	
Salary of the usher of the court of appeals - - -	27 - -	

AND GOVERNORS OF UPPER AND LOWER CANADA. 71

				Sterling.			Sterling.		
				£.	s.	d.	£.	s.	d.
Salaries of judges, &c.— <i>continued.</i>									
Salary of the chairman of the quarter sessions at Quebec				500	—	—			
— of the - - - ditto - - - at Montreal				500	—	—			
— of the - - - ditto - - - at Three Rivers				250	—	—			
— of the - - - ditto - - - at Gaspé				225	—	—			
— of the interpreter of the courts - at Quebec				40	—	—			
— of the - - - ditto - - - at Montreal				40	—	—			
— of the - - - ditto - - - at Three Rivers				25	—	—			
— of the high constable - - - at Quebec				36	—	—			
— of the - ditto - - - at Montreal				36	—	—			
— of the - ditto - - - at Three Rivers				27	—	—			
— of the crier of the courts - - at Quebec				20	—	—			
— of the tipstaff - - - at ditto				18	—	—			
— of the crier of ditto and ditto - at Montreal				38	—	—			
— of the - ditto - and ditto - at Three Rivers				25	—	—			
— of the keeper of the court-house at Quebec				54	—	—			
— of the ditto and housekeeper - at Montreal				72	—	—			
— of the ditto - - - at Three Rivers				36	—	—			
— of the ditto and gaol, New Carlisle, Gaspé				54	—	—			
— of the ditto and ditto Percé - - ditto				54	—	—			
— of the ditto - - - at Sherbrooke				18	—	—			
— of the keeper of the gaol - - at Quebec				90	—	—			
— - - ditto for two turnkeys - - -				72	—	—			
— of the keeper of the gaol - - at Montreal				90	—	—			
— - - ditto for two turnkeys - - -				72	—	—			
— of the keeper of the gaol - - at Three Rivers				45	—	—			
— - - ditto for one turnkey - - -				36	—	—			
— of the keeper of the gaol - - at Sherbrooke				25	—	—			
— of the physician attending the gaol at Quebec				200	—	—			
— of the - - ditto - - - at Montreal				200	—	—			
— of the - - ditto - - - at Three Rivers				80	—	—			
				15,602	—	—			
Contingencies :									
Contingent bills of the crown law officers	2,300	—	—						
— of the sheriff of Quebec	1,100	—	—						
— of the ditto of Montreal	1,000	—	—						
— of the ditto of Three Rivers	260	—	—						
— of the ditto of Gaspé	100	—	—						
— of the ditto of St. Francis	100	—	—						
— of the coroner of Quebec	320	—	—						
— of the ditto of Montreal	110	—	—						
— of the ditto of Three Rivers	30	—	—						
— of the ditto of Gaspé	10	—	—						
— of the clerk of the Crown, Quebec	75	—	—						
— of the ditto, Montreal	135	—	—						
— of the ditto, Three Rivers	25	—	—						
— of the prothonotaries at Quebec	300	—	—						
— of the ditto at Montreal	350	—	—						
— of the ditto at Three Rivers	120	—	—						
— of the ditto at St. Francis	50	—	—						
— of the clerks of the peace, Quebec	220	—	—						
— of the ditto of Montreal	100	—	—						
— of the ditto of Three Rivers	75	—	—						
— of the ditto of Gaspé	75	—	—						
— of the ditto of St. Francis	80	—	—						
— of the police-office at Quebec	150	—	—						
— of the ditto at Montreal, including apprehension and commitment of prisoners, and other police purposes	400	—	—						

(continued)

72 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

					Sterling.			Sterling.		
					£.	s.	d.	£.	s.	d.
Contingencies— <i>continued</i> .										
Contingent bills of the police office at the										
Three Rivers, including apprehension										
and commitment of prisoners and other										
police purposes - - - - -					100	-	-			
— of the ditto, Gaspé - - - - -					100	-	-			
— of the ditto, St. Francis - - - - -					50	-	-			
— for serving subpoenas at										
Montreal, and charge of										
Crown witnesses - - - - -					300	-	-			
— of the high constable, for										
serving ditto at Quebec - - - - -					100	-	-			
— of the ditto, for ditto at										
Three Rivers - - - - -					75	-	-			
— for attendance of needy										
Crown witnesses at										
Montreal - - - - -					550	-	-			
— for ditto at Quebec - - - - -					200	-	-			
— for ditto at Three Rivers - - - - -					75	-	-			
— for ditto of interpreter to										
courts of oyer and ter-										
miner - - - - -					25	-	-			
					9,060	-	-			
Pensions :								24,662	-	-
Thomas Amyot, as late provincial secretary - - - - -					400	-	-			
Mrs. Dunn - - - - -					250	-	-			
Mrs. Baby - - - - -					150	-	-			
H. W. Ryland - - - - -					300	-	-			
Sir Geo. Pownal - - - - -					300	-	-			
Mrs. Elmsley - - - - -					200	-	-			
Mrs. Taylor - - - - -					50	-	-			
Mrs. Lemaistre - - - - -					50	-	-			
Mrs. Livingston - - - - -					50	-	-			
The two Miss De Salaberrys, at 50 l. each - - - - -					100	-	-			
Miss De Louvieres - - - - -					21	12	-			
Mrs. Rottott - - - - -					36	-	-			
Henry Harwood - - - - -					30	-	-			
Miss Finlay - - - - -					20	-	-			
Miss Desbarats - - - - -					18	-	-			
Miss Mackay - - - - -					18	-	-			
Widow Sauvageau - - - - -					12	-	-			
Three Miss Montezamberts, at 10 l. each - - - - -					30	-	-			
Three Miss De Launieres, at ditto - - - - -					30	-	-			
Madame Rinvile - - - - -					7	10	-			
Mrs. Schindler - - - - -					5	-	-			
Mrs. De Mousseau - - - - -					5	-	-			
								2,083	2	-
Surveyor-Generals Office :										
Salary of the surveyor-general - - - - -					450	-	-			
— of the first clerk - - - - -					182	10	-			
— of the second clerk - - - - -					150	-	-			
— for stationery, 20 l.; office-servant, 40 l. - - - - -					60	-	-			
— for postages - - - - -					10	-	-			
— expenses of surveys - - - - -					300	-	-			
								1,152	10	-
Militia Staff and Contingencies :										
Salary of the adjutant-general - - - - -					450	-	-			
— of the deputy adjutant-general - - - - -					270	-	-			
— of the two provincial aides-de-camp - - - - -					360	-	-			
— of the clerk in the office - - - - -					123	3	9			
— of the messenger in ditto - - - - -					60	4	6			
— for office rent and fuel - - - - -					67	10	-			
— for stationery, printing and postage - - - - -					200	-	-			
								1,530	18	3

AND GOVERNORS OF UPPER AND LOWER CANADA. 73

	Sterling.			Sterling.		
	£.	s.	d.	£.	s.	d.
Miscellaneous Expenses :						
Salaries of the Grand Voyer, district of Quebec - -	150	-	-			
— of the - - ditto - - - of Montreal - -	150	-	-			
— of the - - ditto - - - of Three Rivers - -	90	-	-			
— of the surveyor of highways, Gaspé - - -	50	-	-			
— of the inspector of chimnies at Quebec - -	60	-	-			
— of the - - ditto - - - at Montreal - -	60	-	-			
— of the - - ditto - - - at Three Rivers - -	25	-	-			
— of the ditto of merchandise, Coteau du Sac, and allowance for house rent - - - -	168	-	-			
For printing the laws - - - - -	500	-	-			
Contingent repairs of public buildings belonging to Government, and expenses of keeping winter roads in repair, sweeping chimnies, &c. - - - -	500	-	-			
For particular repairs and articles required for the gaol at Quebec, as per accompanying estimate - -	415	11	3	2,168	11	3
Expenses of collecting Revenue in part deducted in course of collection :						
Salary of the clerk of the Terrars of the King's domain -	90	-	-			
Commission of the inspector general of the King's domain on sums collected - - - - -	300	-	-	390	-	-
Salary of the collector - at St. John - - - - -	189	-	-			
— of the comptroller at ditto - - - - -	126	-	-			
— of the guager - at ditto - - - - -	40	-	-			
Incidental expenses - at ditto - - - - -	400	-	-	755	-	-
Salary to collector at Coteau du Sac for collection of duties under British Acts - - - - -	75	-	-			
Allowance to ditto for collections under provincial acts -	90	-	-			
Incidental expenses to ditto - - - - -	144	-	-	309	-	-
- Ditto - - at Quebec under provincial acts -	-	-	-	1,700	-	-
Salary to the collector at Stanstead for collection of duties under British Acts - - - - -	75	-	-			
Allowance to ditto for ditto under provincial acts -	45	-	-			
Incidental allowances to ditto - - - - -	82	10	-	202	10	-
Allowances to collector at St. Marie Nouvelle Beance -	-	-	-	50	-	-
Total sterling - - - - -	£.			62,128	10	9
The probable amount of appropriated revenues at the disposal of the Crown, estimated at - - - - -				38,100	-	-
Amount for which a supply is required, sterling - - - - -	£.			24,028	10	9

Quebec, }
26th January 1829. }

Jos. Cary,
Insp^r Gen^l Pub. Prov^l Accounts.

74 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

THE under-mentioned Items of Expenditure are not included in the foregoing Estimate, being provided for by special Acts of the Provincial Parliament.

	Sterling.		
	£.	s.	d.
Expenses of the Trinity board, by 45 Geo. 3, c. 12, and two other acts -	2,000	-	-
Pensions to wounded militiamen, by 55 Geo. 3, c. 10 - - - -	310	-	-
Pension to dame widow Parret, by 3 Geo. 4, c. 39 - - - -	270	-	-
Assessment on public buildings, &c. by 36 Geo. 3, c. 9 - - - -	330	-	-
Total sterling - - - £.	2,910	-	-

EXPLANATIONS on the new Items in the foregoing Estimate.

1. Allowance to keeper of the civil secretary's offices, in lieu of apartments formerly allotted to him, 25*l.*

This allowance is included in the treasury warrant, and it was considered just and necessary, in consequence of the individual being removed from the quarters occupied by him in the house formerly rented for the civil secretary's offices.

2. Allowance for translating public documents into French, 50*l.*

This charge was rendered necessary in consequence of the office of French translator to government being abolished.

3. Messenger in the provincial secretary's office, 30*l.*

This is represented as absolutely necessary by the provincial secretary, as well for the proper care of the office, lighting fires, &c. as from the constant intercourse between that and the other public offices.

4. Rent of the building used for the civil offices of government, 495*l.*

This charge is included in the treasury warrant of last year, but is attended with very little additional expence to the public.

It became necessary to give up the apartments in the bishop's palace formerly occupied by the executive council and the auditor and inspector-general of accounts, for the greater accommodation of the legislature, and the hire of a house for these departments would have been attended with considerable expense. This is rendered unnecessary by the new arrangement; and the rent formerly paid for the civil secretary's office and for the surveyor-general is also saved, besides the very great convenience which both the public and the different departments of government derive, in having all the public offices collected under the same roof.

5. Allowance for the keeper of that building, 40*l.*

This is no addition to the expense, being the same allowance formerly made to the messenger of the executive council office for care of additional apartments, &c.

6. & 7. Contingent expenses attending the care of the building, 25*l.*
For purchase of fuel for the respective offices in the same, 50*l.*

Necessary charges.

8. Salary of the coroner at Three Rivers, 50*l.*

The present coroner's memorial to his Excellency, the administrator of the government, praying for a salary is herewith annexed; and as the coroners of the other districts receive salaries of 100 *l.* each, Mr. Lafrenaye is considered as having a fair and equitable claim to a salary corresponding with the duties of his office. He is accordingly inserted in the estimate, and recommended for a salary of 50*l.* per annum.

9. Salary

AND GOVERNORS OF UPPER AND LOWER CANADA. 75

9. Salary of the chairman of the quarter sessions at Gaspé, 225*l*.

A necessary charge, as there is no court for the administration of criminal justice there except the quarter sessions of the peace, and the justices of the peace could not meet in quarter sessions in consequence of the want of a competent person to take the lead as chairman, and guide them in their proceedings. The appointment has been submitted to the consideration of His Majesty's Government.

10. Salary of the keeper of the gaol and court hall at Percé Gaspé, 54*l*.

This is a necessary expense, arising from the establishment of a gaol and court-hall, under the provisions of the provincial Act 7 Geo. 4, c. 15, and authorized by 48 Geo. 3, c. 35.

11. Pension to Thomas Amyot as provincial secretary, 400*l*.

This is the same amount as was allowed for a salary, and now estimated for as a pension, in conformity with His Majesty's warrant under the royal sign manual, dated 28th January 1828.

(2.)—ABSTRACT of the within Estimate.

										£.	s.	d.
For salaries to officers of government, and contingent expences of the												
several offices	-	-	-	-	-	-	-	-	-	10,175	1	3
Receiver-general's office	-	-	-	-	-	-	-	-	-	1,100	-	-
Offices of audit and inspection of public accounts	-	-	-	-	-	-	-	-	-	900	-	-
Executive council	-	-	-	-	-	-	-	-	-	1,732	10	-
Legislative council	-	-	-	-	-	-	-	-	-	4,827	18	-
Rent of the bishop's palace for both houses of legislature	-	-	-	-	-	-	-	-	-	500	-	-
House of assembly	-	-	-	-	-	-	-	-	-	7,889	10	-
Salaries of judges, and other expenses attending the administration of justice:												
Fixed	-	-	-	-	-	-	-	-	£. 15,602	-	-	
Contingent	-	-	-	-	-	-	-	-	9,060	-	-	
										24,662	-	-
Pensions	-	-	-	-	-	-	-	-	-	2,083	2	-
Surveyor-general's office	-	-	-	-	-	-	-	-	-	1,152	10	-
Miscellaneous expenses	-	-	-	-	-	-	-	-	-	2,390	11	3
Custom-house salaries and incidental expenses	-	-	-	-	-	-	-	-	-	3,184	10	-
Militia staff and contingencies	-	-	-	-	-	-	-	-	-	1,530	18	3
Total sterling										£. 62,128	10	9
Amount of the several items objected to by the house of assembly										£. 2,871	-	-
Custom-house salaries and incidental expenses intended to be provided for by special acts	-	-	-	-	-	-	-	-	-	3,184	10	-
Militia staff and contingencies, to be provided for by a special act*	-	-	-	-	-	-	-	-	-	1,530	18	3
										7,586	8	3
Together with the monies already appropriated by law; the assembly, } by the supply bill, provide for the sums necessary to make that of } £.										54,542	2	6
sterling	-	-	-	-	-	-	-	-	-			

* No provision was made for the militia staff and contingencies, the same having been made contingent on the passing of the militia bill, which did not pass.

76 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

COPY of the Estimate of the Civil Expenditure of the Government of Lower Canada for the Year 1829, submitted to the Provincial Legislature, and showing the Amount voted by the House of Assembly.

	AMOUNT of the Estimate for 1829.			AMOUNT VOTED.			DIFFERENCE.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Salaries to Officers of Government, and Contingent Expenses of the several Offices :									
Salary of the Governor-in-Chief - - -	4,500	-	-	4,500	-	-			
— of the lieutenant-governor - - -	1,500	-	-	1,500	-	-			
— of the lieutenant-governor of Gaspé - -	300	-	-	-	-	-	*300	-	-
— of the secretary to the Governor-in- Chief - - -	500	-	-	500	-	-			
— of the assistant ditto to the ditto -	200	-	-	200	-	-			
— of two assistants in the office - -	365	-	-	365	-	-			
— of the keeper of the ditto - - -	45	-	-	45	-	-			
Allowance to ditto, in lieu of apartments for- merly allowed him as keeper of ditto - -	25	-	-	-	-	-	*25	-	-
Salary of the messenger in ditto - - -	45	-	-	45	-	-			
— of the extra ditto in ditto - - -	41	1	3	41	1	3			
Postages of the secretary's office - - -	1,000	-	-	1,000	-	-			
Stationery, printing, and extra writing for ditto	300	-	-	300	-	-			
Allowance for translating public documents -	50	-	-	50	-	-			
Salary of the auditor of land patents - -	200	-	-	200	-	-			
Rent of office for registering grants of crown lands - - -	54	-	-	54	-	-			
Contingencies of the provincial secretary's office - - -	80	-	-	80	-	-			
For a messenger to ditto - - -	30	-	-	30	-	-			
Salary of the provincial agent - - -	200	-	-	-	-	-	*200	-	-
For residents on the island of Anticoste -	130	-	-	130	-	-			
Rent of building used for offices - - -	495	-	-	495	-	-			
Allowance to the keeper of ditto - - -	40	-	-	40	-	-			
Contingent expenses attending the care of the building used as public offices - - -	25	-	-	25	-	-			
For purchase of fuel for ditto - - -	50	-	-	50	-	-			
Receiver-General's Office :									
Salary of the receiver-general - - -	1,000	-	-	1,000	-	-			
Allowance for a clerk - - -	100	-	-	100	-	-			
Offices of Audit and Inspection of Public Accounts :									
Salary of the auditor-general - - -	400	-	-	-	-	-	*400	-	-
Allowance for a clerk - - -	100	-	-	-	-	-	*100	-	-
Salary of the inspector-general - - -	300	-	-	300	-	-			
Allowance for a clerk - - -	100	-	-	100	-	-			
Executive Council :									
Salary to nine members at 100 l. each - -	900	-	-	900	-	-			
— of the registrar and clerk - - -	500	-	-	500	-	-			
— of the assistant ditto - - -	182	10	-	182	10	-			
Allowance for stationery, printing, &c. - -	50	-	-	50	-	-			
Salary of messenger and keeper of apartments	50	-	-	50	-	-			
— of door-keeper and office servant -	50	-	-	50	-	-			
Legislative Council :									
Salary of the speaker - - -	900	-	-	900	-	-			
— of the clerk - - -	450	-	-	450	-	-			
— of the assistant clerk - - -	360	-	-	360	-	-			
— of the writing clerk, assistant, &c. -	225	-	-	225	-	-			
— of the law clerk - - -	180	-	-	180	-	-			
— of the master in chancery - - -	81	-	-	81	-	-			

Note.—The items marked thus * were included in the King's warrant for the year 1828.

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	AMOUNT of the Estimate for 1829.			AMOUNT VOTED.			DIFFERENCE.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Legislative Council—continued.									
Salary of the gentleman usher of the black rod	135	—	—	135	—	—			
— of the serjeant at arms	90	—	—	90	—	—			
— of the messenger	32	8	—	32	8	—			
— of the door-keeper	25	—	—	25	—	—			
— of the keeper of the apartments	49	10	—	49	10	—			
Contingent expenses of the legislative council	2,300	—	—	2,300	—	—			
Rent of the bishop's palace	500	—	—	500	—	—			
The House of Assembly :									
Salary of the speaker	900	—	—	900	—	—			
— of the clerk	450	—	—	450	—	—			
— of the assistant ditto	360	—	—	360	—	—			
— of the English translator	180	—	—	180	—	—			
— of the French ditto	180	—	—	180	—	—			
— of the law clerk	180	—	—	180	—	—			
— of the serjeant at arms	90	—	—	90	—	—			
— of the keeper of the apartments	49	10	—	49	10	—			
— of the clerk of the crown in Chancery	100	—	—	100	—	—			
contingent expenses	5,400	—	—	5,400	—	—			
Salaries of the Judges, and other Expenses attending the Administration of Justice :									
Salary of the chief justice of the province	1,500	—	—	1,500	—	—			
— of the ditto of Montreal	1,100	—	—	1,100	—	—			
— of three provincial judges	1,800	—	—	1,600	—	—	*200	—	—
— of six puisne ditto	5,400	—	—	5,400	—	—			
— of judge of the court of vice admiralty	200	—	—	200	—	—			
Allowance for circuits	825	—	—	275	—	—	*550	—	—
Salary of the attorney-general	300	—	—	300	—	—			
— of the solicitor-general	200	—	—	200	—	—			
— of the advocate-general	200	—	—	—	—	—	*200	—	—
— of the sheriff, Quebec	100	—	—	100	—	—			
— " " " Montreal	100	—	—	100	—	—			
— " " " Three Rivers	75	—	—	75	—	—			
— " " " Gaspé	70	—	—	70	—	—			
— " " " St. Francis	50	—	—	50	—	—			
Allowance to sheriffs for executioners	81	—	—	81	—	—			
Ditto to sheriff of Gaspé travelling expenses	10	—	—	10	—	—			
Salary of the coroner, Quebec	100	—	—	100	—	—			
— " " " Montreal	100	—	—	100	—	—			
— " " " Three Rivers	50	—	—	50	—	—			
— clerk of the court and peace, Gaspé	60	—	—	60	—	—			
— " " " " " St. Francis	50	—	—	—	—	—	*50	—	—
— clerks of the crown	100	—	—	100	—	—			
— clerk of the court of appeals	120	—	—	120	—	—			
Allowance to ditto for stationery	6	—	—	6	—	—			
Salary of the usher of the court of appeals	27	—	—	27	—	—			
— chairman quarter sessions, Quebec	500	—	—	500	—	—			
— " " " " " Montreal	500	—	—	500	—	—			
— " " " " " Three Rivers	250	—	—	250	—	—			
— " " " " " Gaspé	225	—	—	—	—	—	225	—	—
— interpreter of the courts, Quebec	40	—	—	40	—	—			
— " " " " " Montreal	40	—	—	40	—	—			
— " " " " " Three Rivers	25	—	—	25	—	—			
— high-constable	36	—	—	36	—	—			
— " " " " " Montreal	36	—	—	36	—	—			
— " " " " " Three Rivers	27	—	—	27	—	—			
— crier of the courts	20	—	—	20	—	—			
— tipstaff ditto	18	—	—	18	—	—			
— crier and ditto	38	—	—	38	—	—			
— crier and ditto	25	—	—	25	—	—			
— keeper of the court-house Quebec	54	—	—	54	—	—			
— " " " " " Montreal	72	—	—	72	—	—			
— " " " " " Three Rivers	36	—	—	36	—	—			
— " " " " " New Carlisle, 36 l.*	54	—	—	36	—	—	18	—	—
— " " " " " Percé	54	—	—	36	—	—	18	—	—
— " " " " " Sherbrooke	18	—	—	18	—	—			
— keeper of the gaol	90	—	—	90	—	—			

(continued)

78 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

	AMOUNT of the Estimate for 1829.	AMOUNT VOTED.	DIFFERENCE.
	£. s. d.	£. s. d.	
Salaries of the Judges, &c.— <i>continued.</i>			
Salary of the keeper of the gaol, Montreal -	90 - -	90 - -	
— " " " " " Three Rivers -	45 - -	45 - -	
— " " " " " Sherbrook -	25 - -	25 - -	
Allowance for two turnkeys - Quebec -	72 - -	72 - -	
— " " " " " Montreal -	72 - -	72 - -	
— for one ditto - " Three Rivers -	36 - -	36 - -	
Salary of physician attending gaol, Quebec -	200 - -	200 - -	
— " " " " " Montreal -	200 - -	200 - -	
— " " " " " Three Rivers -	80 - -	80 - -	
Contingencies :			
Contingent bills of the crown law-officers -	2,300 - -	2,300 - -	
— of the sheriff - Quebec -	1,100 - -	1,100 - -	
— " " " " " Montreal -	1,000 - -	1,000 - -	
— " " " " " Three Rivers -	260 - -	260 - -	
— " " " " " Gaspé -	100 - -	100 - -	
— " " " " " St. Francis -	100 - -	100 - -	
— of the coroner - Quebec -	320 - -	220 - -	100 - -
— " " " " " Montreal -	110 - -	110 - -	
— " " " " " Three Rivers -	30 - -	30 - -	
— " " " " " Gaspé -	10 - -	10 - -	
— of the clerk of the crown, Quebec -	75 - -	75 - -	
— " " " " " Montreal -	135 - -	135 - -	
— " " " " " Three Rivers -	25 - -	25 - -	
— of Prothonotaries, Quebec -	300 - -	300 - -	
— " " " " " Montreal -	350 - -	350 - -	
— " " " " " Three Rivers -	120 - -	120 - -	
— " " " " " St. Francis -	50 - -	50 - -	
— of clerks of the peace, Quebec -	220 - -	300 - -	70 - -
— of police office - ditto -	150 - -		
— of clerks of the peace, Montreal -	100 - -	100 - -	
— of police office - ditto -	400 - -	400 - -	
— of clerks of the peace, Three Rivers -	75 - -	100 - -	75 - -
— of police office - ditto -	100 - -		
— of clerks of the peace, Gaspé -	75 - -	50 - -	125 - -
— of police office - ditto -	100 - -		
— of clerks of the peace, St. Francis -	80 - -	100 - -	30 - -
— of police office - ditto -	50 - -		
— for serving subpoenas, Montreal, and charge of crown witnesses -	300 - -	300 - -	
— of the high constable for serving ditto at Quebec -	100 - -	100 - -	
— ditto, at Three Rivers -	75 - -	75 - -	
— for attendance of needy crown witnesses at Montreal -	550 - -	550 - -	
— ditto, at Three Rivers -	75 - -	75 - -	
— ditto, at Quebec -	200 - -	200 - -	
— for attendance of interpreter to courts of oyer and terminer -	25 - -	- - -	2 - -
Pensions :			
Thomas Amyot (This amount is voted as a salary) -	400 - -	400 - -	
Mrs. Dunn -	250 - -	250 - -	
Mrs. Baby -	150 - -	150 - -	
H. W. Ryland -	300 - -	300 - -	
Sir G. Pownal -	300 - -	300 - -	
Mrs. Elmsley -	200 - -	200 - -	
Mrs. Taylor -	50 - -	50 - -	
Mrs. Lemaistre -	50 - -	50 - -	
Mrs. Livingston -	50 - -	- - -	50 - -
Two Miss De Salaberrys -	100 - -	- - -	100 - -
Miss De Louvures -	21 12 -	21 12 -	
Mrs. Rottott -	36 - -	36 - -	
Henry Harwood -	30 - -	30 - -	
Miss Finlay -	20 - -	20 - -	
Miss Desbarats -	18 - -	18 - -	
Miss Mackay -	18 - -	18 - -	
Widow Sauvageau -	12 - -	12 - -	

AND GOVERNORS OF UPPER AND LOWER CANADA. 79

	AMOUNT of the Estimate for 1829.	AMOUNT VOTED.	DIFFERENCE.
	£. s. d.	£. s. d.	£. s. d.
<i>Pensions—continued.</i>			
Three Misses Montezamberts - - -	30 - -	30 - -	
Three Misses Launieres - - -	30 - -	30 - -	
Madame Rinvile - - -	7 10 -	7 10 -	
Mrs. Schindler - - -	5 - -	5 - -	
Mrs. De Mousseau - - -	5 - -	5 - -	
<i>Surveyor-General's Office :</i>			
Salary of the surveyor-general - - -	450 - -	450 - -	
— of the first clerk - - -	182 10 -	182 10 -	
— of the second d ^o - - -	150 - -	150 - -	
Allowance for stationery and office servant to the surveyor-general - - -	60 - -	60 - -	
— for postages to ditto - - -	10 - -	- - -	10 - -
— for expenses of surveys - - -	300 - -	300 - -	
<i>Miscellaneous Expenses :</i>			
Salary of the grand voyer - - Quebec -	150 - -	150 - -	
— - - - - Montreal -	150 - -	150 - -	
— - - - - Three Rivers -	90 - -	90 - -	
— - - - - Gaspé -	50 - -	50 - -	
— inspector of chimnies, Quebec -	60 - -	60 - -	
— - - - - Montreal -	60 - -	60 - -	
— - - - - Three Rivers -	25 - -	25 - -	
Allowance for printing the laws - - -	500 - -	500 - -	
— for repairs of public buildings, &c. -	500 - -	500 - -	
— for repairs, &c. to gaol at Quebec -	415 11 3	415 11 3	
Salary of the clerk of terrars of the King's domain - - -	90 - -	90 - -	
Commission to ditto - - -	300 - -	300 - -	
Custom-house officers salaries and incidental expenses - - -	3,184 10 -	—	
Militia staff and contingencies - - -	1,530 18 3	—	
£.	62,128 10 9	54,542 2 6	2,871 - -

RECAPITULATION of the Items in the foregoing Estimate, which have been objected to by the House of Assembly.

	£. s. d.
Salary of the lieutenant governor of Gaspé - - -	300 - -
Allowance to keeper of civil secretary's office, in lieu of apartments formerly allotted to his use - - -	25 - -
Salary of the provincial agent - - -	200 - -
— of the auditor-general of public accounts - - -	400 - -
— of the clerk to - - ditto - - -	100 - -
— of three provincial judges - - -	£. 1,800 - -
Allowance to judges for circuits - - -	825 - -
Salary of the advocate-general - - -	200 - -
— of the clerk of the peace at St. Francis - - -	50 - -
— of the chairman of quarter sessions at Gaspé - - -	225 - -
— of the keeper of the court-house, New Carlisle - - -	£. 54 - -
— of the ditto of - ditto - Percé - - -	54 - -
Contingencies of the coroner, Quebec - - -	320 - -
— of the clerk of the peace at Quebec - - -	220 - -
— of the police office at - - ditto - - -	150 - -
— of the clerk of the peace at Three Rivers - - -	75 - -
— of the police-office at - - ditto - - -	100 - -
— of the clerk of the peace at Gaspé - - -	75 - -
— of the police-office at - - ditto - - -	100 - -
— of the clerk of the peace at St. Francis - - -	80 - -
— of the police-office at - - ditto - - -	50 - -
Allowance for interpreter at courts of oyer and terminer - - -	25 - -
Pension to Mrs. Livingston - - -	50 - -
— to the Miss De Salaberry's - - -	100 - -
For postages for the surveyor-general's office - - -	10 - -
Sterling - - - - £.	2,871 - -

(3.)—BILL to make further Provision towards defraying the Civil Expenditure of the Provincial Government.

Most Gracious Sovereign,

WHEREAS by message of his Excellency Sir James Kempt, Knight Grand Cross of the Most honourable Military Order of the Bath, and administrator of the Government of Lower Canada, bearing date the 28th day of January 1829, laid before both Houses of the Legislature, it appears that the funds already appropriated by law are not adequate to defray the whole expenses of His Majesty's Civil Government in this province, and of the administration of justice, and other expenses mentioned in the said message : And whereas, it is expedient to make further provision towards defraying the same for the year commencing on the 1st day of January 1829, and ending on the 31st day of December in the same year : We, Your Majesty's most faithful and loyal subjects, the Commons of Lower Canada in provincial Parliament assembled, most humbly beseech Your Majesty that it may be Enacted, and be it therefore Enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province : ' " And it is hereby Enacted, by the authority of the same, That from and out of the unappropriated monies which now are or hereafter shall come into the hands of the Receiver-General of the Province for the time being, there shall be supplied and paid towards the administration of justice, and of the support of the Civil Government of this Province for the year commencing on the 1st day of January 1829, and ending on the 31st day of December in the same year, such sum or sums of money as together with the monies already appropriated by law for the said purpose, shall amount to a sum not exceeding 54,542*l.* 2*s.* 6*d.* sterling.

II. And be it further Enacted by the authority aforesaid, That the due application of the monies by this Act appropriated, shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his heirs and successors shall be pleased to direct.

III. And be it further Enacted, by the authority aforesaid, That a detailed account of the monies expended under the authority of this Act, shall be laid before the Assembly of this province, during the first fifteen days of the next session of the provincial Parliament.

AND GOVERNORS OF UPPER AND LOWER CANADA. 81

(4.)—STATEMENT of Salaries, &c. of Officers of the Civil Government of Lower Canada, hitherto included in the Treasury Warrants charged in the Estimate submitted to the Legislature for the Year 1829, but objected to by the House of Assembly, and deducted from the amount of the same in the Supplies voted for that Year; viz.

	£.	s.	d.	
Salary of the lieutenant-governor of Gaspé - - - - -	300	-	-	1.
— of the provincial agent - - - - -	200	-	-	2.
— of the auditor general - - - - -	400	-	-	3.
— of the clerk to ditto - - - - -	100	-	-	
— of three provincial judges - - - £. 1,800 - - -				
Sum allowed - - - - -	1,600	-	-	
Allowance to the judges for circuits - - - 825 - - -	200	-	-	4.
Sum allowed - - - - -	275	-	-	
Salary of the advocate general - - - - -	550	-	-	5.
— of the clerk of the courts and clerk of the peace in the district of St. Francis - - - - -	200	-	-	6.
Pension to Mrs. Livingston - - - - -	50	-	-	7.
— to the two Miss De Salaberrys - - - - -	50	-	-	8.
Allowance to the keeper of the governor's secretary's offices, in lieu of apartments formerly allotted to him - - - - -	100	-	-	9.
Salary of the keeper of the gaol and court hall at New Carlisle - - - - - £. 54 - - -	25	-	-	10.
Sum allowed - - - - -	36	-	-	
	18	-	-	11.
Sterling - - - £.	2,193	-	-	

Explanations given below.

EXPLANATIONS.

1. Objected to in 1825, on account of non-residence.
2. Objected to in 1825.
3. Ditto - - This charge was then estimated for as the expenses of the committee of audit; on a change of system, the duties of that committee being transferred to the office of auditor general, the expense of that office is now objected to.
4. In 1825, the charge for three provincial judges was 1,600*l.*, as now admitted by the assembly, but an addition of 100*l.* was made to the salaries of the provincial judges of the district of Gaspé and St. Francis, on a recommendation from Lord Dalhousie, dated 19th June 1826, that they should be put on the same footing as the one at Three Rivers, viz. 600*l.* a year.
5. One circuit is made in the summer in the districts of Quebec, Montreal and Three Rivers, by one or more judges of the court of King's Bench: for the performance of this duty 75*l.* is allowed for each district, and if more than one judge is employed on the district, the allowance is divided among them.
In March and September, a term of the court of King's Bench, for civil and criminal causes, is held at Three Rivers, attended by the chief justice of the province of Montreal, and one judge of the court of King's Bench of Quebec and Montreal, and these three judges receive each an allowance of 75*l.*
In January a term is held for civil causes at Three Rivers, attended by a judge of the court of King's Bench from Quebec and Montreal, and these two judges are allowed 75*l.* each.
The circuit allowances on this scale amount to 825*l.* per annum. The sum admitted by the assembly, 275*l.*, is calculated at 25*l.* per circuit, instead of 75*l.*
6. W. R. Vanfleson, the present advocate general, was appointed to the office on the 25th January 1819, by his Grace the late Duke of Richmond.
The office had long existed in the colony, but no salary was attached to it, till a representation was made on the subject by the Earl of Dalhousie on the 30th August 1823, when Lord Bathurst approved of a salary of 200*l.* a year being assigned to it, and charged on the funds applicable to the administration of justice. (Despatch, 20th December 1823.)
7. Appointment made on the establishment of the court in 1824, but the salary to the clerk of the court and peace objected to by the assembly in 1825.
8. A new pension under a separate warrant, dated 29th February 1825.
9. A new pension authorized by the lords of the treasury.
10. Had apartments in the building formerly allotted to the civil secretary's office, and on that office being removed from that building, the 25*l.* was given in lieu of them.
11. £. 36 included in the warrant for the gaoler; the addition recommended by a report of the executive council, on account of his being the keeper of the court hall, and in virtue of the provincial Act 48 Geo. 3, c. 35, which authorizes the governor to fix the salary.

82 COMMUNICATIONS BETWEEN THE COLONIAL OFFICE

STATEMENT of Salaries of the Militia Staff, and Contingent Expenses, as estimated for the Year 1829.

	£.	s.	d.
Salary of the adjutant general	450	—	—
— of the deputy adjutant general	270	—	—
— of two provincial aides-de-camp	360	—	—
— of the clerk in the office	123	3	9
— of the messenger in ditto	60	4	6
Allowance for office rent and fuel	67	10	—
Contingencies of stationery, printing and postage	200	—	—
Sterling	1,530	18	3

No provision was made by the legislature for any of these salaries or allowances.

No. 20.—COPY of a Despatch from Lieutenant-General Sir James Kempt to Secretary Sir George Murray.

SIR, Castle of St. Louis, Quebec, 26th March 1829.

BEING anxious to convey to you, without delay, the information which I think you would wish to possess respecting the proceedings of the Provincial Legislature, on those subjects which I received your commands, (as notified to me in your despatch of the 29th of September 1828,) to bring under the consideration of the Provincial Parliament, at its meeting in November last, I have the honour herewith to transmit to you the accompanying paper (No. 1,) in which this information is briefly given in as clear and perspicuous a form as my present time will admit of.

I have also the honour of transmitting to you (No. 2,) an abstract of the grants made in the last session of the Provincial Parliament, in order that you may see the extent of the appropriations, and the services to which the monies are to be applied.

Some time will yet elapse before copies of the several Acts of the Provincial Legislature, passed in the late session, can be prepared to send you, and before it will be in my power to bring under your consideration a variety of subjects to which my attention has been called by the House of Assembly, in addresses presented to me just before the session closed, as intimated to you in my despatch No. 24, of the 16th instant.

I have the honour to be, Sir,
Your most obedient humble Servant,
(signed) JAMES KEMPT.

(1.)—A brief STATEMENT of the Proceedings of the Provincial Parliament of Lower Canada, on the several points recommended by His Majesty to the consideration of both Houses of the Legislature, in the Message of the 28th of November 1828.

Subjects recommended in the Message. *Proceedings that have taken place upon them.*

The proposal respecting the appropriation of the Provincial Revenue, and recommending the enactment of a law for the indemnity of persons who may have advanced public money without legal authority.

The House of Assembly would not accede to the proposed arrangement, or pass a law of indemnity, for the reasons stated in their Resolutions of the 6th December 1828, already transmitted to the Secretary of State; but a bill of Supply for the present year has passed the Provincial Legislature as reported in Despatch No. 27.

The Address of the Legislative Council in answer to the Message was transmitted to the Secretary of State in my Despatch No. 23.

Suggesting the adoption of measures for the security of monies in the hands of the Receiver-General and the Sheriffs.

No proceedings whatever in either House on this recommendation, the plan being considered objectionable. It was therefore deemed proper to communicate to the Legislative Council and Assembly, the instructions given by the

AND GOVERNORS OF UPPER AND LOWER CANADA. 83

the Lords of the Treasury for the security of monies in the hands of the Receiver-General, as communicated in Mr. Hill's letter to Mr. W. Horton, of 30th October 1826, and to inform them that these Regulations would be carried into effect if no provincial enactment was made upon the subject. An Act for the better regulation of the office of Sheriff has passed the Legislature.

Respecting the distribution of the duties of Customs, collected at Quebec between the provinces of Upper and Lower Canada.

A Bill has passed the Legislature, appointing Commissioners to confer with Commissioners similarly appointed by Upper Canada, on all matters of common interest to both provinces. The honourable Mr. Debertych, of the Legislative Council, and Messrs. Papineau and Neilson, of the House of Assembly, are the Commissioners from Lower Canada, and they are to meet in the month of June next. The proportion of duties to be paid to Upper Canada, for four years from the 1st of July 1828, has been settled by arbitration under the Act of the Imperial Parliament, 3 Geo. IV. c. 119, as reported already to the Secretary of State.

The appointment of an agent in England, and recommending an indemnity to the present holder of that office.

The House of Assembly passed a Bill late in the Session, appointing Sir James Mackintosh and Mr. Labouchere, members of the House of Commons, and Mr. Neilson, member of the House of Assembly, agents for the province, but it was not agreed to in the Legislative Council. A copy of the bill, as passed in the Lower House, accompanies this statement. The Council objected to the appointment of so many agents. They would have agreed to the appointment of two, but in that case they conceived that they ought to have the nomination of one of them, or at least to have been consulted by the Assembly. The Legislative Council also conceived that provision ought to have been made in the bill for an indemnity to the present agent, as recommended by His Majesty. The session was advanced when the bill went up to the Legislative Council, and there was not sufficient time to come to an understanding with the Assembly on several provisions in the bill which required explanation.

Recommending the passing of a law imposing a tax upon wild lands, as in Upper Canada.

The House of Assembly did not proceed in this matter in any way whatever.

The evils of the system of tacit mortgages.

The subject not taken into consideration by the House of Assembly.

The objectionable and expensive forms of conveyancing, said to exist in the townships.

An Act has passed the Legislative Council and Assembly, for rendering valid conveyances of land and other immoveable property, held in free and common socage within this province, but the same is reserved for the signification of His Majesty's pleasure.

The necessity of a registration of deeds, and the want of proper courts for the decision of causes arising in the townships.

No legislative provision has been made for the registration of deeds in any part of the province.

A bill was brought into the Legislative Council to establish courts for the trial of causes arising in the townships, but it did not pass into a law.

Although the message from the Crown (in obedience to the instructions) contained no recommendation or allusion whatever to the inequality of the present system of representation, yet the subject was taken up in the House of Assembly, and

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and an Act has passed both Houses of the Legislature for a new division of the province into 40 counties, and increasing the number of representatives from 50 to 84. The townships, by this bill, will send nine members to the House of Assembly. It has, however, been reserved for the signification of His Majesty's pleasure, and a particular report will be made upon the Act when it is transmitted to the Secretary of State.

(signed) JAMES KEMPT.

Castle of St. Louis, Quebec, 26th March 1829.

STATEMENT of Monies granted by the Provincial Parliament of Lower Canada in the last Session, for various Public Services.

	Currency.			Sterling.		
	£.	s.	d.	£.	s.	d.
For the erection of lighthouses in the river and gulf of the St. Lawrence - - - - -	12,000	-	-			
For the internal communications of the province - - -	33,690	-	-			
For the encouragement of agriculture - - - - -	1,600	-	-			
For exploring certain parts of the province - - - - -	1,000	-	-			
For the encouragement of education - - - - -	5,833	10	-			
For houses of correction - - - - -	600	-	-			
For the support of hospitals and other charities - - -	8,260	16	10			
For the expenses of the customs at the inland ports -	1,351	-	-			
For the encouragement of arts, and various other purposes - - - - -	4,290	17	7			
For certain expenses of the civil government for the year 1828, and arrears - £.9,031. 3. 6. sterling -	10,034	12	9			
	78,660	17	2	70,794	15	6
For the civil expenditure of the government for the year 1829, such sum as in addition to the monies already appropriated by law for that purpose, will make - - - - -	-	-	-	54,542	2	6
For allowing a pension to Mr. Justice Bedard, in case of his resignation from ill health - - - - -	-	-	-	400		

No. 21.—COPY of a Despatch from Secretary Sir George Murray to Lieutenant General Sir James Kempt.

Downing-street, London,
30th September 1828.

SIR,

12 Sept. 1828.

I have the honour to transmit to you herewith a copy of a letter which has been received from the secretary to the Board of Treasury, relative to the office of receiver-general of Lower Canada. Your Excellency will perceive that, provided Mr. Hale's securities shall be approved, and it shall appear that he has strictly adhered to the regulations which were laid down by the minute of the Board of Treasury, of the 26th October 1826, for the future control and management of the office of receiver-general, their lordships will give directions for confirming Mr. Hale in that appointment, with the increased salary of 1,000*l.* per annum. The period from which Mr. Hale will be entitled to receive this increased rate of salary must depend upon the date from which (after his succession to the office upon the removal of Mr. Caldwell,) he ceased to derive advantage from balances of public money remaining in his hands; and as it is desirable that no further delay should take place in concluding the necessary forms for Mr. Hale's appointment, I have to request that you will lose no time in enabling me to furnish the Lords Commissioners of the Treasury with the necessary information upon the several points connected with this subject, which you will find enumerated in the enclosed letter.

I have, &c.

(signed) G. MURRAY.

Treasury Chambers,
12th September 1828.

SIR,

The Lords Commissioners of His Majesty's Treasury have had under consideration a memorial from Mr. John Hale, stating, that in the year 1823 he was appointed by Lord Dalhousie to execute the duties of the office of receiver-general of Lower Canada, upon the dismissal of Mr. Caldwell, and praying that, in consideration of his long services, his appointment may be confirmed; and also a representation from the commissioners of audit, dated 25th ult. upon the present state of Mr. Hale's accounts, and the amount of salary which he is to be allowed to charge; and I am to acquaint you, for the information of Secretary Sir George Murray, that provided Mr. Hale's securities shall be approved, and the regulations contained in the letter of this Board to Mr. Wilmot Horton, of the 30th October 1826, for the future control and management of the office of receiver-general in Lower Canada, have been established and strictly adhered to, my lords will give directions for confirming Mr. Hale in the appointment, with the increased salary of 1,000 *l.* per annum. With regard to the period from which Mr. Hale is to be allowed to charge the increased rate of salary, my lords request that you will call Sir George Murray's attention to the minute of the Board of the 26th October 1826, which was communicated to His Majesty's Secretary of State for the Colonies, by their lordships' direction, in the letter to Mr. Horton above alluded to, of the 30th of that month.

My lords have not been apprised that any revision of the office of receiver-general took place prior to the regulations established by that minute; but it appears to them that, between the period at which Mr. Hale was appointed to act as receiver-general, upon the removal of Mr. Caldwell, and that at which the restrictions imposed by their said minute were carried into effect, Mr. Hale ought not to be allowed to charge the increased rate of salary, unless the balances of public money, which his predecessor had been allowed to retain, had been previously withdrawn, the proposed increase of salary being only to be justified on the ground of the withdrawal from Mr. Hale of that source of emolument which the retention of the balances afforded to Mr. Caldwell. My lords request, therefore, that Sir George Murray will direct them to be informed at what period the regulations established by their said minute of the 26th of October 1826 were carried into effective operation in Lower Canada, and whether, in the interval that had previously elapsed subsequent to the appointment of Mr. Hale by Lord Dalhousie in 1823, he had continued to retain in his hands balances of public money, and to what amount.

My lords also request to be informed, whether the restrictions imposed by the minute of this Board above referred to are at the present time strictly enforced.

I am, Sir, your obedient servant,
(signed) *J. Stewart.*

No. 22.—COPY of a Despatch from Secretary Sir George Murray to
Lieutenant General Sir James Kempt.

Downing-street, London,
16th Feb. 1829.

SIR,

I beg leave to refer your Excellency to that part of my despatch, No. 1, of the 29th September last, explanatory of the arrangements which I had considered it expedient to make with the Lords Commissioners of His Majesty's Treasury, for the payment into the custody of commissary-general in Lower Canada, of any balances of public monies, which might from time to time remain in the hands of the receiver-general and sheriffs of the province. Since the date of that despatch it has been thought advisable to modify in some degree the arrangement which had been therein contemplated, their lordships having been apprehensive that some inconvenience might arise from the negotiation of Treasury bills which might be issued from the military chest on account of monies so deposited therein. The plan which their lordships have suggested, and which you will find more particularly described in the enclosed letter from Mr. Stewart, appears to me to be well calculated to meet the object intended; and as you will, in conformity with the instructions

12 January 1829.

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instructions contained in my despatch above referred to, be prepared to propose to the legislature of Lower Canada, the enactment of a law to bind the receiver-general and sheriffs, to render accounts of their receipts at short intervals, it is only necessary for me to put you in possession of the contents of the Treasury letter, in order that you may be enabled to carry the projected enactment into effect with as little delay as possible.

I have, &c.

(signed) G. MURRAY.

SIR,

Treasury Chambers, 12th January 1829.

I have laid before Lords Commissioners of His Majesty's Treasury your letter of the 24th of October last, relative to the necessity of establishing some effectual security for the due application of the public money in the hands of the civil accountants in the province of Lower Canada, and I am commanded to acquaint you, for the information of Secretary Sir George Murray, that there will be, no objection to allowing the officer in charge of the commissariat in Canada to receive from any of the public officers there, such sums of public money as may from time to time be specified in any warrant of the Governor for the time being, and to re-issue those sums, under similar authority, in such amounts, and to such persons as may be therein directed; and that if bills should be required by the revenue officers for remittance of public money to England, they may be purchased from the commissariat department at the current rate of exchange, and under the usual regulations; and I am directed further to acquaint you, that on receiving a communication on the subject, my lords will give such directions to the commissary-general as may be necessary for carrying this arrangement into effect.

I am, &c.

R. W. Hay, Esq.
&c. &c. &c.

(signed) J. Stewart.

No. 23.—COPY of a Despatch from Secretary Sir George Murray to Lieutenant General Sir Peregrine Maitland.

SIR,

Downing-street, 31st July 1829.

I have the honour to transmit, for your information, a copy of the Report of the Select Committee of the House of Commons on the civil government of Canada.

The measures which it may be prudent to adopt for the future government of the Canadas, have not yet been decided upon; and your approaching departure from the upper province will no doubt leave it to other hands to carry them into execution; but the only part of the Report to which I feel it necessary to call your attention is the concluding paragraph, with the view of learning from you how far the statement made by the Committee is correct, that the disputes between the local government and the House of Assembly have led to the abrupt termination of the session.

I have, &c.

(signed) G. MURRAY.

No. 24.—COPY of a Despatch from Lieutenant General Sir Peregrine Maitland to Secretary Sir George Murray.

SIR,

Halifax, 2d December 1828.

I have the honour to acknowledge your letter of the 31st July just received, in which you call my attention to the concluding paragraph of the Report of the Select Committee of the House of Commons on the civil government of Canada, with the view of learning from me how far the Committee have been accurate in stating that the disputes between the local government and the House of Assembly of Upper Canada

AND GOVERNORS OF UPPER AND LOWER CANADA. 87

Canada have led to an abrupt termination of the session of legislature in that province.

I have the honour to acquaint you, that no ground whatever could have existed for the information, from whatever quarter derived, which led the Committee to make this statement.

There was nothing peculiar in the termination of the session. On the contrary, the legislature, after sitting the usual period, were prorogued by me in the ordinary manner, a previous communication having been had (as has been customary during my administration of the government), with the two Speakers, and no application having been made to me from either house for a later period than had been named.

Had time permitted before the departure of the mail, it would have been very satisfactory to me to have learnt by the perusal of the papers you have transmitted to me, by what evidence, avowedly not ample or satisfactory, the Committee have been induced to report respecting the conduct of the government of Upper Canada, in terms very different from those which have been very generally used by the people of the colony in numerous addresses presented to me on my departure from them.

Having observed an article in one of the principal London papers, written undoubtedly with a view to serve the purposes of party, that the House of Assembly had been dissolved by me to facilitate the success of measures at variance with the interests of the people, and foreseeing the probability that the same assertion will be made elsewhere, I beg leave to apprise you that the Provincial Parliament was not so dissolved ; it necessarily expired, having served the time prescribed by law.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) P. MAITLAND.

CANADA LEGISLATURE.

RETURN to an Address of the Honourable the House of Commons;
dated 7th June 1830;—for

COPY or EXTRACTS of the ANSWERS of the Governors
of *Upper* and *Lower Canada* to that part of the
Despatch of the Secretary of State for the Colonies,
dated 29th September 1828, which related to the
state of the Executive and Legislative Councils of
Upper and *Lower Canada*.

Colonial Department,
Downing-street,
14th June 1830. }

R. W. HAY.

Ordered, by The House of Commons, to be Printed,
24 June 1830.

Castle of St. Lewis, Quebec, 3d January 1830.

SIR,

THE great diversity of opinion which prevails in this province on almost every subject of political interest, and the difficulty which I have experienced since my assumption of the Government in obtaining correct information upon several important topics to which you called my attention in your Despatch of the 29th September 1828, have prevented my replying, at an earlier period, to that part of it in which you require me to afford you information respecting the Legislative and Executive Councils.

You are pleased, in that Despatch, to desire me to report to you, whether it would be expedient to make any alteration in the general constitution of these bodies, and especially how far it would be desirable to introduce a larger proportion of members not holding office at the pleasure of the Crown ; and if it should be considered desirable, how far it may be practicable to find a sufficient number of persons of respectability of this description ?

The Paper, No. 1, which I have the honour herewith to transmit to you, will afford you, I trust, all the information which you desire in respect to the present composition of the Legislative and Executive Councils.

The former consists, as you will observe, of twenty-three members, and of these, twelve hold offices under the Crown ; seven are large landed proprietors unconnected with the Government ; three are merchants, also unconnected with the Government ; and one member has been absent from the province for several years ; sixteen of the number are Protestants, and seven are Roman Catholics ; eight are natives of the province, and fifteen are natives of the United Kingdom, or born in other countries.

The Executive Council consists, at present, of nine members, of whom only one is entirely unconnected with the Government ; two are natives of the Canadas, and all are Protestants except one Roman Catholic member.

After giving the subject my best consideration, I confess that I am not, at present, prepared to point out any material alteration in the general constitution of either of the Councils which it will be expedient to make ; but I am humbly of opinion, that it will be very desirable to introduce, by degrees, a larger proportion of members not holding offices at the pleasure of the Crown into the Legislative Council, and that the Judges (with the exception of the Chief Justice of the Province) should not be, in future, appointed to seats in either of these bodies. I am further disposed to think that it will be expedient to appoint one or two of the most distinguished members of the House of Assembly to the Executive Council, with the view of giving the popular branch of the legislature confidence in the local government, an object, it appears to me, of the greatest importance to the peace, prosperity, and happiness of the colony.

The three gentlemen that I have recently had the honour of recommending to His Majesty for seats in the Legislative Council are large landed proprietors in the

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the province, and persons of the greatest respectability; and although it would certainly be exceedingly difficult to select any great number of persons of the same description, yet a sufficient number, I should hope, may be found to fill the vacancies that may occur in either of the Councils.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) *James Kempt.*

The Right Hon. Sir Geo. Murray, G. C. B.
&c. &c. &c.

— (1.) —

RETURN of the Members of the Legislative and Executive Councils for the Province of
Lower Canada.

LEGISLATIVE COUNCIL.

No.	NAMES.	Whether holding any Office under Government.	REMARKS.
1.	Jonathan Sewell (the Speaker).	- - chief justice of the province and member of the executive council.	- - of a family from the state of Massachussets.
2.	Lord Bishop of Quebec.	- - a member of the executive council, but without pay.	- - a native of the United Kingdom; the Protestant bishop.
3.	Sir Geo. Pownall	none - - - -	- - a native of the United Kingdom, absent for several years from the province.
4.	Charles de St. Ours.	none - - - -	- - a Canadian gentleman of large landed property.
5.	John Hale -	- - receiver-general of the province.	- - a native of the United Kingdom, but possessing large landed property in Lower Canada.
6.	John Richardson	- - a member of the executive council.	a British merchant.
7.	John Caldwell -	none - - - -	- - formerly receiver-general of the province.
8.	Heman W. Ryland	- - clerk of the executive council, and one of the clerks of the Crown in Chancery in Lower Canada.	- - a native of the United Kingdom, but resident in Canada for thirty-six years.
9.	James Cuthbert	none - - - -	- - a native of Lower Canada, and possessed of large property in the province.
10.	Charles W. Grant	none - - - -	- - a native of Lower Canada, possessing large property in the province.

(continued)

No.	NAMES.	Whether holding any Office under Government.	REMARKS.
11.	Pierre D. De- bartzeh.	none - - - -	- - a native of Lower Canada, possessing large property in the province.
12.	Thomas Coffin -	- - chairman of quarter sessions at Three Rivers.	- - originally from the United States.
13.	Roderick M'Ken- zie.	none - - - -	- - originally from the United Kingdom, and a large land pro- prietor.
14.	Louis Rané Chaus- segros De Lery.	- - grand voyer for the dis- trict of Montreal.	- - a native of Lower Canada.
15.	Louis Gugy -	- - sheriff for the district of Montreal.	- - a native of Switzerland; pos- sesses considerable landed property in the province.
16.	James Kerr -	- - a puisne judge of the court of King's Bench for the district of Quebec; judge of the court of Vice Admiralty for Lower Ca- nada, and a member of the executive council.	- - a native of the United King- dom.
17.	Edward Bowen -	- - a puisne judge of the court of King's Bench for the district of Quebec.	- - a native of the United King- dom.
18.	Wm. B. Felton -	- - commissioner of Crown lands.	- - a native of the United King- dom.
19.	Matthew Bell -	none - - - -	- - a native of the United King- dom; a merchant; a landed pro- prietor.
20.	Fouissaint Po- theer.	none - - - -	- - a Canadian gentleman, and possessing large landed property.
21.	John Stewart -	- - commissioner for ma- naging the jesuit estates, master of the Trinity-house at Quebec, a member of the executive council.	- - a native of the United King- dom; many years a British mer- chant residing in Canada, but now retired from business.
22.	John Forsyth -	none - - - -	- - a British merchant.
23.	Jean Thomas Tas- cherean.	- - a puisne judge of the court of King's Bench for the district of Quebec.	- - a native of Lower Canada, and a landed proprietor.

RECAPITULATION.

Members who hold Offices under the Government :

The chief justice and three puisne judges, the lord bishop of the diocese, and seven other members	-	-	-	-	-	-	-	-	-	-	-	12
Members holding office under Government	-	-	-	-	-	-	-	-	-	-	-	12
Members who are large landed proprietors, and unconnected with the Government	-	-	-	-	-	-	-	-	-	-	-	7
Members who are merchants, and unconnected with the Government	-	-	-	-	-	-	-	-	-	-	-	3
Member absent in England for several years	-	-	-	-	-	-	-	-	-	-	-	1
												<u>23</u>
Members natives of the Canadas	-	-	-	-	-	-	-	-	-	-	-	8
Members natives of the United Kingdom, or other parts	-	-	-	-	-	-	-	-	-	-	-	15
												<u>23</u>
Roman Catholic members	-	-	-	-	-	-	-	-	-	-	-	7
Protestant members	-	-	-	-	-	-	-	-	-	-	-	16
												<u>23</u>

Three new members (gentlemen of extensive landed property, and unconnected with the Government) have been recently recommended for seats in the Legislative Council in the room of three members deceased, viz.

- * James Phillip Saveuse de Beaujeu, a gentleman of one of the best Canadian families in the province, and possessed of extensive landed property.
- * Samuel Hatt, Esq. an English gentleman, the proprietor of a valuable seignory on which he resides.
- * D. B. Viger, Esq. a Canadian gentleman, possessed of considerable landed property ; one of the oldest barristers in the country, and a member of the House of Assembly.

* These gentlemen have been confirmed as Legislative Councillors.

EXECUTIVE COUNCIL.

No.	NAMES.	Whether held in conjunction with any other Office.	REMARKS.
1.	Jonathan Sewell	- - chief justice of the province, and speaker of the legislative council.	- - originally from the state of Massachussets.
2.	Lord Bishop of Quebec.	- - member of the legislative council, with precedence next to the speaker.	- - a native of the United Kingdom.
3.	John Richardson	- - member of the legislative council.	- - a British merchant.
4.	James Kerr -	- - a puisne judge of the court of King's Bench for the district of Quebec; judge of the court of Vice Admiralty for the province of Lower Canada; and a member of the legislative council.	- - a native of the United Kingdom.
5.	William Smith -	- - clerk of the legislative council, and a master in chancery attending the council.	- - family from the United States.
6.	Charles De Lery	- - assistant clerk of the legislative council, and a master in chancery attending the said council.	- - a native of Lower Canada.
7.	John Stewart -	- - a member of the legislative council; master of the Trinity-house at Quebec; and commissioner for managing the jesuits' estates.	- - a native of the United Kingdom.
8.	A. W. Cochran -	- - law clerk to the legislative council; auditor of land patents; commissioner of the court of escheats for Lower Canada.	- - a native of Nova Scotia.
9.	James Stewart -	- - attorney-general of the province of Lower Canada.	- - a native of Canada.

Of the nine members of which the Executive Council at present consists, only one, Mr. Richardson, is entirely unconnected with the Government.

Protestant members - - - - - 8.
Roman Catholic member - - - - - 1.

The attorney-general, and one other member, are natives of the Canadas.



EXTRACT of a Despatch from Major-General Sir John Colborne to the Right Honourable Secretary Sir George Murray, dated York, Upper Canada, 16th February 1829.

WITH respect to the constitution of the Executive and Legislative Councils, on which subject you require information, it is evident, that whatever persons may be appointed members of the Executive Council, there will be a considerable degree of jealousy existing in this limited community of their influence and authority; they must necessarily reside at York, and will seldom be able to accept the charge without holding other offices under the Crown. On many accounts it is very desirable that the Chief Justice should retain his seat in the Executive Council; but there can be no doubt that occasionally he must, as a judge, be led too deeply into the political affairs of the colony.

Composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive government in it. The Legislative Council consists of seventeen members, exclusive of the Bishop of Quebec; of these, from accidental causes, not more than fifteen ever attend to their legislative duties. Thus, out of the number generally present, six are of the Executive Council, and four hold offices under the Government; I have therefore intimated my intention of recommending to His Majesty's Government to increase the Legislative Council.

It is exceedingly difficult to find persons qualified for it; but if about eight or ten more can be selected from different parts of the province, and the majority be considered independent, there can be no good reason assigned for excluding the Executive Council.

Since the date of the Despatch from which the above extract has been taken, the Right Rev. Dr. Macdonell, Roman Catholic Bishop, and John Elmsley, Esq. two additional members, have been added to the Legislative Council; and it is not intended that the Chief Justice of Upper Canada should continue a member of the Executive Council.

Downing Street, }
14 June 1830. }

CANADA LEGISLATURE.

RETURN to an Address of the Honourable The House of Commons, dated 7th June 1830 ;—*for*

COPY or EXTRACTS of the ANSWERS of the Governors of *Upper* and *Lower Canada* to that part of the Despatch of the Secretary of State for the Colonies, dated 29th September 1828, which related to the state of the Executive and Legislative Councils of *Upper* and *Lower Canada*.

Ordered, by The House of Commons, to be Printed.
24 June 1830.

MONTREAL SEMINARY.

RETURN to an Address of the Honourable The House of Commons,
dated 30 June 1830,—for,

COPY of the ADDRESS to His Majesty from the House of Assembly of *Lower
Canada*, on the subject of certain Lands held or claimed by the CATHOLIC
SEMINARY at *Montreal*, in Lower Canada.

Colonial Department,
Downing-street,
5 July 1830. }

HORACE TWISS.

Ordered, by The House of Commons, to be Printed,
7 July 1830.

TO THE KING'S MOST EXCELLENT MAJESTY:

May it please Your Majesty,

WE, Your Majesty's loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly pray that we may be permitted to approach Your Majesty's throne, and to represent to Your Majesty,

That the Seminary, or ecclesiastical body known under the name of the Seminary of Saint Sulpice at Montreal, in this province, was founded in the island of Montreal; and that the seigniorship of the said island and its dependencies were granted in mortmain by his most Christian Majesty, according to the provisions of the law then in force, so far back as the year 1677, in order to the erection and establishment of the said Community and Seminary in the said island for the education of the inhabitants of the country:

That the object of the edict or ordinance of the year 1677 was to sanction the said Establishment, and to ensure its permanency; and that this Act of legislative power and authority was founded on the donation of the said seigniorship, which, to use the express terms of the said donation, was made "to the said Seminary or Community engaged in the instruction and edification of the inhabitants of the country, and with the intent that the net income of the said seigniorship, and the increase thereof, should be employed for the advancement of the objects thereof."

That the inhabitants of this province felt the most lively alarm when they learned that a project had been formed a few years ago, which, if carried into execution, would have had the effect of transferring into other hands the said seigniorship, and the other property of the Seminary so established at Montreal, which, during upwards of 60 years, under the government of Your Majesty, and of Your Majesty's august Father, of glorious memory, and even for more than a century before, had been peaceably possessed and enjoyed by the said community, the establishment of which is connected with, and of nearly as ancient date as, the settlement of the country:

That the execution of a project of this nature, with respect to an Institution, the utility and even the necessity of which, as respects the civil and moral education of the inhabitants of the country, is acknowledged, would have the effect of placing Your Majesty's faithful subjects in a most critical situation; and would, moreover, give birth to an anxiety, but too well founded, as to the security of institutions which are in fact the property of the people, and of which the present possessors could not be allowed to dispossess themselves in favour of others, without the intervention and consent of those for whose advantage they enjoy them, and which they have received on the condition that they should fulfil, with regard to the inhabitants of the country, the obligations attached to the possession thereof:

That none but the most distressing consequences could follow the execution of a project of this nature, the tendency of which must inevitably be to shake that confidence in the security of property which forms the safety of a people, and to weaken the feeling of confidence, even in Your Majesty's Government, under the protection of which Your Majesty's faithful Canadian subjects had a right to believe their rights assured and inviolable:

That

CATHOLIC SEMINARY AT MONTREAL.

3

That the present possessors of the property in question could not, under the laws of this country, dispose thereof, in any manner, without the concurrence and consent of their immediate superiors in this province, nor without observing the formalities prescribed by the law of the land in all such cases, for which provision has been made; and still less without the consent and concurrence of the Provincial Parliament, in which the people of this country, who have so just a claim on the said property, are represented by Your faithful Commons of this province :

That the opinions and feelings in which attempts may have been made to cause Your Majesty's Government to participate, for the purpose of inducing it to countenance a project of so fatal a nature, could have arisen solely from statements, in which, for want of precise information, an exact description of the actual state of things, and more especially of the nature of the said property, and of the conditions on which those in whose hands it now is, enjoy it, and the rights of the inhabitants as connected with it, was not laid before Your Majesty's Government.

Your dutiful Commons of Lower Canada therefore pray Your Majesty to take this matter into Your serious consideration; to weigh the lamentable consequences of such a state of things, and even the existence of any doubt respecting the security of the said property, and of the rights of Your faithful Canadian subjects; and to adopt measures for permanently quieting the alarm which the apprehension of the formation of a project of this nature has excited throughout the Province.

(signed) *P. J. Papineau,*
Speaker of the House of Assembly.

MONTREAL SEMINARY.

COPY of the Address to His Majesty from the
House of Assembly of *Lower Canada*, on the
subject of certain Lands held or claimed by
the CATHOLIC SEMINARY at *Montreal*, in
Lower Canada.

Printed, by The House of Commons, to the Printer,
7 July 1830.

CANADA, WATER COMMUNICATION.

AN ACCOUNT of the progress which has been made in the Works for the Improvement of the Water Communication between Montreal and Kingston, by the Rideau and Ottawa Rivers ; of the Sums actually expended, stating how far these correspond with the Estimate laid before the Finance Committee in 1828, and the probable Cost of so much of these Works as still remains to be executed, so far as the same can be afforded from the Documents in this Office.

NAME OF WORK.	Sum actually expended to the 31st Dec. 1829.	Sum required to complete from 31st Dec. 1829.	TOTAL Amount of Estimate.	REMARKS.
RIDEAU CANAL -	£. 349,264	£. 227,493	£. 576,757*	* This is the amount of Lieut.-Colonel By's Estimate for completing the Canal on the scale ordered by the Committee, of which Lieut.-General Sir James Kempt was president. The amount is £.48,913 more than is put down for the Canal on the same scale in the Report to the Finance Committee in 1828, page 408; this excess is explained by the original estimate not providing for the expense of two companies of sappers and miners, nor for the civil and military superintendence. In regard to the progress which has been made in the work, Lieutenant Colonel By has reported by letter, dated 31st December 1829, that three-fifths of it is completed, and that he has every reason to suppose that it will be finished in August 1831, with very little excess on the total of £.576,757. Although £.349,264 is stated to have been actually expended on the Canal to 31st December 1829, only £.296,666 has yet been voted, therefore a further vote of £.280,091 will be necessary, including the £.140,000 which is proposed to be granted in the present year.
	Sum expended to 24th Dec. 1828.	Sum required to complete from 24th Dec. 1828.	TOTAL Amount of Estimate.	
GRENVILLE CANAL	113,920	21,000*	134,920	* This is the amount of the detailed estimate which was transmitted by Lieut.-General Sir James Kempt to the Colonial Secretary of State, with a Report, dated 12th February 1829, to complete this Canal on the scale of locks ordered for the Rideau, and added to the expenditure previously incurred, makes a total of £.134,920 for the whole, which is £.74,920 more than is put down for this Canal in page 408 of the Report to the Finance Committee in 1828, but the sum therein stated does not, it is presumed, include the pay and allowances of the staff corps companies for six months in each year, since the commencement of the Work in 1819, which amounts to £.22,458, and is included in the expenditure of £.113,920, to 24th December 1828, nor the expense of constructing the larger locks on the scale of the Rideau, now ordered. The exact expense of this object does not appear in the detailed estimate, but it has been hitherto assumed at £.41,000. This Canal is expected to be completed in the present spring.
CARILLON RAPIDS - - -	- - -	58,000	58,000	Not yet commenced. This sum is the amount of the detailed estimate transmitted with Sir James Kempt's Report of 12th February, before quoted; it is £.33,000 more than is put down in the Report to the Finance Committee, but the sum there stated did not include the expense of the enlargement of the locks.
CHUTE A BLONDEAU - - -	- - -	11,580	11,580	This is the amount of the detailed Estimate transmitted with Sir James Kempt's Report, before quoted. The work is not yet commenced. The sum put down for the work, including St. Anne's Rapids, in the Report to the Finance Committee, is calculated at £.25,000, but no detailed estimate for the latter work has yet been received, therefore no correct comparison can be made; but if it is desirable to do so on the best information that can be afforded, it may be stated, that for the completion of St. Anne's Rapids, with locks on the scale of the Rideau, £.40,000 had been assumed.
ST. ANNE'S RAPIDS - - -	- - -	- - -	- - -	

IT is proper to notice, that the detailed Estimates sent home by Sir James Kempt for the completion of the Grenville, the Carillon Rapids, and the Chute a Blondeau, do not clearly shew whether the pay and allowances of the staff companies employed on the works be included. If this should prove not to be the case, it will, as the Master-General and Board have ordered these men to be charged to the works, be necessary to allow the sum of £.14,676 for this purpose, being the amount of pay, &c. for three years, from 24th December 1828, when the Works, if sufficient funds are allowed, are expected to be completed.

Memorandum.—From the year 1826 to 1829 stores have been sent from England for those Canals; viz. for the Rideau to the value of £.13,818, and for the Grenville to the value of £.3,086; but it cannot be positively ascertained, without a reference to Canada, whether or not the value of those stores has been included in the Statement of Expenditure to 31st December 1829, transmitted by the engineer officer who superintends the construction of those Canals.

Office of Ordnance, }
26 March 1830. }

By Order of the Board,
R. BYHAM,
Secy.

CANADA, WATER COMMUNICATION.

AN ACCOUNT of the progress which has been made in the Works for the improvement of the WATER COMMUNICATION between *Montreal* and *Kingston*, by the *Rideau* and *Ottawa* Rivers; of the Sums actually expended, and the probable cost of so much of these Works as still remains to be executed.

*Ordered, by The House of Commons, to be Printed,
29 March 1830.*

NEWFOUNDLAND ACTS.

RETURN to an Address of The House of Commons,
Dated 29th. March 1830;—for,

COPIES or EXTRACTS of any INSTRUCTIONS sent to the Governor or Legal Authorities at *Newfoundland*, relative to the operation of the Acts of 5 Geo. IV. c. 51, and 5 Geo. IV. c. 67; and the Answers received, if any.

Colonial Department, }
26th April 1830. }

R. W. HAY.

TO THE RIGHT HON. SIR GEORGE MURRAY, G.C.B.

&c. &c. &c.

SIR,

St. John's, Newfoundland,
13th December 1828.

UNDERSTANDING that it was probable the Judicatory Act for this Colony, which expires in the month of June next, should come under discussion in the approaching Session of Parliament, I addressed a letter, in the month of August, to each of the Judges of the Supreme Court, calling upon them to state how far their experience had enabled them to judge of the suitableness of the present system of jurisprudence to the condition of the people, or in what respects they considered it defective; and to suggest to me, for the information of His Majesty's Government, such alterations as they conceived might with advantage be introduced into any new Bill that might be passed on the subject.

The accompanying letters from them, agreeing as they do in considering it impossible to come to any just conclusion in so important a matter, so as to enable a new Bill to be brought into Parliament during the approaching Session, and as they are united in thinking that the present Act has not been in operation a sufficient time to sanction a decided opinion as to its merits or defects, I conclude you will deem it proper to oppose the agitation of the question at present, and continue the existing Bill for one or two years longer; and, under that persuasion, I am induced to refrain from offering any observations that may have occurred to me on the same subject, until my own opinions may be more matured, and the question shall be brought forward for discussion.

I have, &c.

(signed) *Thos Cochrane.*

2 CORRESPONDENCE RELATIVE TO NEWFOUNDLAND ACTS.

TO SIR THOMAS COCHRANE,

&c. &c. &c.

Downing Street,
12th January 1829.

SIR,

I HAVE the honour to acknowledge the receipt of your despatch of the 13th December last. As it appears to be the unanimous opinion of yourself and Judges, that the present Judicature Act of Newfoundland has not been in operation a sufficient time to enable you to form a decided opinion as to its merits or defects, I concur in your opinion, that it will be inexpedient to introduce any new law in the ensuing Session of Parliament for the administration of justice in Newfoundland, and that the preferable course will be to continue the existing Act for one or two years longer.

I have, &c.

(signed) *G. Murray.*

TO SIR THOMAS COCHRANE,

&c. &c. &c.

Downing Street,
28th May 1829.

SIR,

I HAVE the honour to transmit to you herewith, for your information and guidance, a copy of an Act which has been passed in the present Session of Parliament, intituled, "An Act to continue until the thirty-first day of December one thousand eight hundred and thirty-two certain Acts relating to the Island of Newfoundland, and the Fisheries carried on upon the Banks and Shores thereof."

I have, &c.

(signed) *G. Murray.*

TO SIR THOMAS COCHRANE,

&c. &c. &c.

Downing Street,
3d August 1829.

SIR,

WITH reference to my despatch of the 28th May last, in which I transmitted to you the Act passed in the last Session of Parliament, for continuing until 31st December 1832 certain Acts relating to the Island of Newfoundland, I think it necessary to acquaint you, in order to prevent any misconception on the subject, that it is by no means my intention to defer, until the expiration of the time limited in the Act of Parliament, the consideration of the judicial and other important affairs of the Colony. On the contrary, I shall be anxious to receive the report of yourself and the Judges on the improvements which may be introduced on a revision of the judicial and commercial system of the Colony, as soon as you are enabled to offer, with confidence, your suggestions for the consideration of His Majesty's Government.

I have, &c.

(signed) *G. Murray.*

NEWFOUNDLAND ACTS.

RETURN to an Address of The House of Commons,
dated 29th March 1830 ;—*for*,

Copies or Extracts of any Instructions sent to the
Governor, or Legal Authorities, at *Newfoundland*,
relative to the operation of the Acts of 5 Geo. IV.
c. 51, and 5 Geo. IV. c. 67; and the Answers
received, if any.

Ordered, by The House of Commons, to be Printed,
4 May 1830.

SHUBENACCADIE CANAL.

RETURN to an Order of the Honourable House of Commons,
dated 4th May 1830;—*for*

COPIES of COMMUNICATIONS between the Lords of
the Treasury, the Lords of the Admiralty, and the
Secretary of State for the Colonies, on the subject of
the SHUBENACCADIE CANAL in *Nova Scotia*.

Whitehall, }
5th May, 1830. }

J. PLANTA.

Ordered, by The House of Commons, to be Printed,
6 May 1830.

LETTER from R. W. Hay, Esq., to the Honourable J. Stewart, &c. &c. &c.

Sir,

Downing-street, July 27, 1829.

I AM directed by Secretary Sir George Murray to transmit to you the Copy of a Despatch from Lieutenant-General Sir Peregrine Maitland, enclosing the Memorial of the Shubenaccadie Canal Company, which has been established in the province of Nova Scotia by an Act of the Legislature of that province, for the purpose of uniting by a Canal the harbour of Halifax with the basin of Mines, praying the assistance of His Majesty's Government to enable them to complete that important work, in which considerable progress has already been made; and I am to request that you will lay the same before the Lords Commissioners of His Majesty's Treasury, acquainting their Lordships that Sir George Murray is induced to recommend the Memorial of the Directors of the Shubenaccadie Canal Company to their Lordships most favourable consideration.

I am, Sir, your most obedient servant,

R. W. Hay

LETTER from Sir P. Maitland to the Right Honourable Sir G. Murray, K.C.B. &c. &c. &c.

Sir,

Halifax, 27th May, 1829.

IT is, I believe, known to you, that in the year 1826 a Company was incorporated in this colony, under an Act of the General Assembly, for the purpose of uniting by a Canal the harbour of Halifax with the basin of Mines, an undertaking of very great magnitude, when the means of the province are considered.

So obvious, however, were the facilities afforded by nature, and so many the advantages the work was thought to promise, that investments to a considerable amount were readily made, and the Legislature having granted 15,000*l.* in aid of the undertaking, the Company were encouraged to commence the work, which has made considerable progress in the last year; of the five sections into which it is divided, two are nearly finished. Having visited these, I have much pleasure in stating my opinion, that the sum expended, somewhat exceeding 25,000*l.*, has been judiciously and economically applied.

According to the survey and estimate of the remaining portion of the improvement it is by no means of more difficult accomplishment than that which has been completed, but the further sum of 50,000*l.* will be wanted to accomplish the work. The Company, seeing little prospect of obtaining so large a sum in this province, have addressed a memorial to me, in hope that their representation may induce His Majesty's Government to afford them some assistance.

This memorial, accompanied by a Map, Plan, and Estimate of the work, I have the honour to transmit for your consideration.

If it appeared to me that after the perusal of these documents any other light could be thrown upon the subject, I should be happy to anticipate the call for information, but I am satisfied that, added to your personal acquaintance with this country, more will not be necessary to enable a judgment every way better than mine to estimate fairly the value of the work, both in a commercial and military point of view.

I must not omit, however, in reference to the allusion of the memorialists as to the advantage which the completion of the work would afford to our naval establishment at Bermuda as well as at Halifax, to state to you, that the sentiments of the Admiral commanding on this station acquiesce with those expressed by the Company, and that that experienced officer has acquainted me that he is induced from considerations connected with the naval service to take a very lively interest in the undertaking.

I have, &c.

(signed) *P. Maitland.*

ADDRESS of the Shubenaccadie Canal Company, to His Excellency
Sir P. Maitland.

To His Excellency Lieutenant-General Sir Peregrine Maitland, Knight
Commander of the most honourable Military Order of the Bath, Lieu-
tenant-Governor and Commander-in-Chief in and over His Majesty's
Province of Nova Scotia, and its Dependencies, &c. &c.

The Memorial of the President and Directors of the Shubenaccadie Company.

May it please your Excellency :

THE association of which your memorialists are the officers was founded in 1826, for the purpose of connecting the harbour of Halifax by an inland navigation with the basin of Mines, at the head of the Bay of Funday.

For encouraging this important enterprize, the Provincial Assembly passed an Act under which letters patent of incorporation were granted to the Company, and its objects were further promoted by a donation of 15,000 *l.* from the Legislature, payable in proportion to the progress of the works.

With this aid, and subscription in Halifax and its vicinity of 18,000 *l.* towards raising the capital of 60,000 *l.* required for the undertaking, your memorialists were enabled to commence it, and have had the satisfaction of witnessing the public anxiety for its early completion.

For opening this canal, facilities so unusual exist in the deep and extensive lakes and river course of the Shubenaccadie, that on the whole line from Halifax Harbour to the basin of the Mines, a space of nearly 60 miles, only a short distance requires the operation of excavation and embankment, the remainder being now navigable water, or easily made so by the insertion of locks and dams at proper intervals. The extent of artificial works originally contemplated is particularly detailed in the accompanying Statement and Estimate, to which your memorialists respectfully refer ; and by which it will appear that the whole line could have been made navigable for ordinary coasting vessels drawing eight feet of water for 75,000 *l.* currency ; including the purchase of lands, and steam and tow boats, with all attendant expences, recent alterations, attended with very important advantages, have been adopted, by which this estimate is increased to about 84,000 *l.* for the whole.

For the execution of the five sections into which the canal line is divided, exclusive of the late additional works, tenders were received by your memorialists at the price of 62,000 *l.* ; but owing to the insufficiency of the present subscription, they were at first obliged to confine themselves to contracts for the completion of the second and third section : these, the most tedious and difficult, though not the most expensive, have been commenced, and are now on the point of completion for about 22,000 *l.*

The fourth section and part of the fifth have been recently contracted for at the price of 11,800 *l.* ; the shareholders have already paid up nearly all their subscriptions, a balance only of about of 3,000 *l.* remaining uncollected, and the works are rapidly proceeding under the superintendence of an engineer of experience and character.

The value and fertility of the districts around the Bay of Funday, and bordering on the Shubenaccadie, and the abundance of their agricultural produce, timber, coals, building materials, lime, gypsum, slate and other minerals, will, through this navigation, contribute more largely to the consumption and exports of Halifax, and when the lapse of a few years shall have brought these great internal resources into operation, will compensate this Company for its expenditure. But the very limited capital of this young colony is required for so many purposes more immediately productive, that, notwithstanding the munificence of the Legislature, there exists not at present much prospect of obtaining in this province the sum still wanting for the objects of the Company.

Under these circumstances, your memorialists find it necessary to apply through your Excellency to His Majesty's Government, respectfully to submit some views of the importance of this undertaking to the security and defence of Nova Scotia and New Brunswick.

During the late wars with the United States, the communication between Halifax and the city of St. John was principally maintained by the long and dangerous passage round the south and west coasts of the province into the Bay of Funday,

captures were frequent, and the losses and delays in every branch of the public service in that quarter were numerous and severe ; in one ship of war alone, bound to that city, a sum of money was lost nearly equal to the capital required by this Company. Should hostilities again unfortunately occur between that government and Great Britain, the canal now commenced will obviate the greater part of the difficulties formerly encountered, it will provide a safe and expeditious mode of conveyance for troops and military stores from one province to another, and by means of the steam-boats intended to be used thereon, will enable the local governments to concentrate their means of defence with ease and rapidity.

The passage from Halifax to the mouth of the Shubenaccadie will be effected within 24 hours, and from thence to St. John's, a distance of about 90 miles, within nearly the same time, and under all circumstances of winds and tides. In these essential advantages of safe and expeditious intercommunication, the Canadas, as connected with New Brunswick, will also participate.

There are also other benefits to be derived to the naval establishment at Halifax. The interior of this province produces oak, elm, white pine, and other valuable timber, which the expense of land-carriage now almost excludes from this market, but which through the canal will be amply supplied for this dock-yard. This is now occasionally done, but under what great disadvantages may be known from the fact, that its officers have been recently obliged to pay the price of 50 s. the ton for timber purchased for 10 s. on the canal line, within 25 miles from Halifax, the difference between these sums arising from the expensive carriage by sea round the province. On these and many other articles required for the naval service, a saving of nearly one half of their present prices will result to His Majesty's Government from opening this communication, and thus, in the course of a few years, an ample equivalent be obtained from any assistance bestowed on the Company.

To complete the whole canal, and establish steam-boats for its navigation, it is estimated that 50,000 l. will suffice, in addition to the funds now provided ; and should the countenance and support of Government be extended to the Company, no doubt is entertained that the whole will be completed in 1831 ; the certainty that funds for its prosecution are acquired, will induce many of the present stockholders to extend their subscriptions, and the friends of the colony in England to subscribe for the remaining shares.

This result the Legislature in its last session again manifested their anxiety to promote, by passing an Act for appropriating, for ten years, the yearly amount of 1,500 l. currency, in furtherance of the objects of the Company.

If, impressed with the importance of the enterprize, His Majesty's Government consider it desirable to acquire, for all branches of the public service, the right of passing through the canal toll-free, as was done in the case of the Welland Canal, in Upper Canada, the Company humbly offer that privilege as an inducement for granting in aid thereof a sum bearing a reasonable proportion to its usefulness.

In this event a free passage for troops, stores and ordnance supplies, and for all military and naval purposes, will be secured to His Majesty's Government by the Company ; the communication between the depôts at Halifax and the adjacent province, and the whole extent of the Bay of Funday, be rendered safe and expeditious, and the arrival of military assistance at any given point be calculated upon within the space of a few hours, and with entire certainty.

The support provided by the mother country for the prosecution of a similar enterprize in Upper Canada, the benefits already conferred by His Majesty's Government on Nova Scotia, the powerful impulse which the success of this undertaking will give to every branch of our industry, and the necessity of acquiring for Halifax, as a free port, the advantages of inland navigation, give your memorialists every confidence that measures connected with the prosperity of this loyal colony will readily obtain the countenance of His Majesty's Ministers ; and when your memorialists refer to the high rank which has always been assigned to this canal among our internal communications, and to your Excellency's known attention to the public works, they feel assured of a ready acquiescence in their request, that your Excellency will be pleased to transmit this memorial for the favourable and early consideration of His Majesty's Government.

By order, and in presence of the Board,

Halifax, }
20th May 1829. }

Michael Wallace, President.
Charles N. Fairbanks, Secretary.

LETTER from the Right hon. J. W. Croker, to G. Dawson, Esq. &c. &c. Treasury.

Sir,

Admiralty Office, August 1st, 1829.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith copy of a letter and its enclosures from Rear Admiral Sir Charles Ogle, the Commander-in-Chief on the Halifax Station, recommending to their Lordships notice the application of the Directors of the Shubenaccadie Canal (by which it is proposed to form a direct water communication between the town of Halifax and the Bay of Funday) to the protection of His Majesty's Government, and I am to request you will lay the same before the Lords of His Majesty's Treasury, for their information and determination.

I am, Sir, your most obedient humble servant,

J. W. Croker.

LETTER from Sir Charles Ogle, bart. to the Right hon. J. W. Croker.

Sir,

Hussar, in Halifax Harbour, 26th May 1829.

IN submitting to the Lords Commissioners of the Admiralty the enclosed address, with its accompanying memorial, map, plan, estimate and abstract, from the Directors of the Shubenaccadie Canal, I beg you will state to their Lordships, that I have taken some pains to make myself acquainted with the details, and have visited the line of works now carrying on, which I consider well executed.

Impressed with the importance of this loyal province to His Majesty in every relation with the United States of America, I cannot but view a free communication with Halifax from the Bay of Funday, both as regards its own supplies, as well as our maritime necessities, and the facility of succouring the neighbouring province, by transporting troops, naval stores, &c. as objects of deep interest to the United Kingdom, and therefore humbly recommend the prayer of the memorialists to the favourable consideration of their Lordships.

The advantage to His Majesty's government of securing the right of passage toll free, appears to me, in the event of war, of great consequence; and I beg to refer their Lordships to the agents, Messrs. Bainbridge and Fairbanks, for such further information as they may require.

I am, &c.

(signed) *Cha. Ogle.*

Rear Admiral and Commander-in-Chief.

To Sir Charles Ogle, baronet, Rear Admiral of the Red, and Commander-in-Chief of His Majesty's Ships and Vessels on the North American Station.

Sir,

WE, the Directors of the Shubenaccadie Canal Company, respectfully beg to state, that for the purpose of soliciting the support of the Right honourable the Lords Commissioners of the Admiralty to the undertaking in which the Company are employed, a memorial has been addressed to their Lordships, which we have now the honour to submit.

By opening, from the centre of the province, from Halifax to the bason of Mines an inland navigation, safe, cheap and expeditious, it is admitted that the advantages possessed by this port as a naval station will be greatly extended. The works have hitherto proceeded successfully, and for their completion requiring those funds which this province cannot yet supply. To obtain these we now ask the assistance both of their Lordships and of His Majesty's Government, under the confident belief that an enterprize of acknowledged utility, and of the first importance to this town, will be favoured with the same aid which has been so liberally afforded in other cases.

The nature of this canal navigation, its value in reference to the naval yard here, its connection with the military defence of these provinces, are, with the appreciations of the Company, intended to be submitted to His Majesty's Govern-

ment by Messrs. Fairbanks and Bainbridge, the gentlemen recently appointed to act in its behalf as agents in London, and the Directors will be much gratified if it should be in your power to give their exertions your favourable recommendation, and to explain those views which from your residence here you may have been enabled to form on these subjects.

The interest you have shown on several occasions in favour of the commerce of the province, induces us very respectfully to prefer our request, that you will be pleased to transmit the memorial of this Board to their Lordships, in such way as you may deem most effectual for its success, and with your sanction of the object of the Company, and accompanied with a reference to those agents for any explanation that may be required.

By order, and in presence of the Board,

(signed) *Mich. Wallace,*

Halifax, 16th May 1829.

Charles R. Fairbanks, Secretary.

To the Right Honourable the Lords Commissioners of the Admiralty.

The MEMORIAL of the Directors of the Shubenaccadie Canal Company of
Halifax, Nova Scotia,

Most respectfully sheweth,

THAT your Memorialists, on the part of the Company over whose affairs they preside, are desirous of bringing under the notice of your Lordships the nature and objects of the undertaking in which they have engaged.

The port of Halifax, most favourably situated for the prosecution of commerce and the fisheries, and as a military and naval station acknowledged to be of the first importance to the colonies, has hitherto been deprived of the abundant resources of the interior. The interval which separates the capital from the fertile shores of the Bay of Funday is too great to permit, in any quantity, the transport of heavy articles by land carriage, and the voyage round the western extremity of the province is long and dangerous; these impediments had long directed attention to the facilities for opening a water communication through the centre of the province, and accurate survey having established the practicability of uniting the harbour with the basin of Mines, at a moderate expense, this Company was incorporated in 1826 for the purpose.

Your memorialists beg to state, that the space from sea to sea, by the canal line, is about 60 miles, principally occupied by large lakes and the river course of the Shubenaccadie: that the extent of artificial works is very limited; that the navigation is constructing of a depth sufficient for sea-going vessels, drawing eight feet of water, and of about 100 tons burthen; that contracts have been entered into for the principal and most difficult parts of the work, at an expense of 33,000*l.*; that these are so far executed, that nearly twenty miles of the navigation will be opened during the present season, and should sufficient funds be obtained, your memorialists have every confidence that the whole line will be completed within the two following years. An inspection of the accompanying Map fully shows its importance; while the operations hitherto have most fully confirmed the impression of the practicability of this work. The public conviction of its usefulness has been manifested by a donation of 15,000*l.* from the local legislature, and by subscriptions from individuals here to the amount of 18,000*l.* currency of Nova Scotia, of which nearly the whole is paid. In its last session also, a further aid of 1,500*l.* per annum for ten years, was granted by the Assembly to promote the objects of the Company, and although the shareholders have never expected immediate remuneration, yet, considering the rapid growth of the province, and the abundance and variety of articles for which water-carriage is required, they entertain well-grounded hopes of eventually realizing an ample revenue. Nevertheless, under the present circumstances of the colony, it is not possible to obtain here the whole funds required to complete this navigation.

If your memorialists rightly appreciate the importance of being able from Halifax to communicate with St. John's, New Brunswick, within, at furthest, sixty hours, and of conveying from thence to any point on the Bay of Funday, within the same or less time, and with ease and certainty, either troops, military stores or assistance, and of maintaining, in time of war, should it again unfortunately occur with the American States, an intercourse with the interior of this and the sister provinces,

safe

safe from hostile aggression, and with that rapidity which the use of steam-boats ensures, then it is humbly submitted that on all these points the undertaking of this Company is most closely connected with those extensive measures of defence which are now in progress in Halifax, and that it will tend in a very essential degree to the security of these important possessions.

Yet further your memorialists are enabled to state, that were the canal open, the expenditure now making by His Majesty's Government at Halifax would be considerably diminished, by the very reduced prices at which building materials would be furnished to the departments here, these existing in great abundance on the canal line, within a short distance from Halifax; for the naval yard also, supplies of valuable pine, oak and other timber, from that quarter, would be immediately obtained, and at nearly one fourth part of the price which on several occasions have, owing to the expense of transportation, been actually paid for timber brought from thence for the public service in this port.

Your memorialists have been informed, that in the case of the Welland Canal Company, in Upper Canada, a work, although more expensive, not as long as the Shubenaccadie Navigation, and perhaps in many points of view not more useful, His Majesty's Government was pleased to secure to itself, in return for a portion of the assistance conferred, the right of passage toll free, for ever, for troops, stores and articles for the public service: the like privileges your memorialists, in behalf of this Company, freely offer to His Majesty's Government, if it should be thought advisable to acquire it for the public, and on such terms as your Lordships may deem an equivalent therefor. They have also understood that the operations of that Company have been otherwise and very extensively assisted.

Under similar circumstances, prosecuting a most useful public work in a new country where sufficient capital cannot be obtained, and confident that the interests of this province are, equally with those of Canada, objects of attention to your Lordships, your memorialists respectfully solicit the favour and support of your Lordships to the enterprize of the Shubenaccadie Canal Company, and humbly pray that your Lordships will be pleased, in such manner as shall be deemed proper on this occasion, to grant to the Company that assistance which will enable your memorialists, by obtaining the necessary funds, to prosecute the important objects they have undertaken, and to bring their enterprize to an early and successful termination.

By order, and in presence of the Board,

Halifax, }
20th May 1829. }

(signed)

Michael Wallace, President,
Charles R. Fairbanks, Secretary.

Copy of TREASURY MINUTE, dated 31st August, 1829.

READ letter from Mr. Hay, dated 27th ult., transmitting, by direction of Secretary Sir George Murray, copy of a despatch from Lieutenant General Sir Peregrine Maitland, enclosing the memorial of the Shubenaccadie Canal Company, which has been established in the province of Nova Scotia by an Act of the Legislature of that province, for the purpose of uniting by a canal the harbour of Halifax with the basin of Mines, praying the assistance of His Majesty's Government to enable them to complete that important work, in which considerable progress has already been made, and Mr. Hay states that Sir George Murray is induced to recommend the memorial of the Directors of the Shubenaccadie Canal Company to the favourable consideration of my Lords.

Read also a letter from the Secretary to the Admiralty, dated 1st instant, transmitting, by direction of the Lords of the Admiralty, copy of a letter and its enclosures from Rear Admiral Sir Charles Ogle, the commanding officer on the Halifax Station, recommending to the notice of the Lords of the Admiralty the application of the Directors of the Shubenaccadie Canal, by which it is proposed to form a direct water communication between the town of Halifax and the Bay of Fundy.

Acquaint Mr. Hay, for the information of Secretary Sir George Murray, that my Lords are anxious to promote the completion of the work in question, from an opinion of its utility, and from regard to a province distinguished for its loyalty and attachment to His Majesty.

My Lords, however, do not feel that they could act more liberally in this case than in any other similar instances, in which assistance has recently been solicited and obtained.

Considering, therefore, what was done in the case of the Welland Canal, my Lords are prepared, when they shall be satisfied that funds will be forthcoming for the completion of the work, to recommend to Parliament to make a loan, secured on the canal, of 20,000*l.*, to the Directors of the Shubenaccadie Canal, to be repaid in ten years, with interest at the rate of four per cent.

Acquaint the Secretary of the Admiralty with this communication to Mr. Hay, for the information of the Lords Commissioners of the Admiralty with reference to his letter of the 1st August.

LETTER from R. W. Hay, Esq. to the Honourable J. Stewart.

Sir,

Downing-street, 6th April, 1830.

WITH reference to your letter of the 7th September last, stating that the Lords Commissioners of the Treasury, so soon as they should be satisfied that funds will be forthcoming for the completion of the Shubenaccadie Canal, would be prepared to recommend to Parliament to make a loan, secured on the canal, of 20,000*l.*, to the Directors of the Shubenaccadie Canal, to be repaid in ten years, with interest at the rate of four per cent., I am now directed by Secretary Sir George Murray to transmit to you the copy of a letter from Messrs. Fairbanks and Bainbridge, the agents to the Company, stating that the funds for the completion of the work are now forthcoming, and requesting that the necessary measures for affecting the loan may be brought before Parliament at an early period, and I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships consideration and decision.

I am, Sir, your obedient servant,

R. W. Hay.

LETTER from Messrs. Charles R. Fairbanks and John Bainbridge to
R. W. Hay, Esq.

London, March 27, 1830.

Sir,

5, Norfolk-street, Strand.

REFERRING to your letter of the 14th September 1829, communicating an answer to the application of the Shubenaccadie Canal Company of Halifax, Nova Scotia, for aid from His Majesty's Government towards the completion of their enterprize, "That their Lordships of His Majesty's Treasury are prepared, when they shall be satisfied that funds will be forthcoming for the completion of the work, to recommend to Parliament to make a loan, secured on the canal, of 20,000*l.* to the Directors of that Company, to be repaid in ten years, with interest at four per cent." We have now the honour to enclose a list of the subscribers at London for 1,200 preference shares in the capital of the Company, amounting to 27,000*l.* sterling, which sum is partly in the hands of the bankers of the Company, or in a few days at our disposal.

We further refer to the accompanying estimate to 20th May 1829, of the cost of this navigation completed, and of the funds therefor.

For the deficiency of 6,100*l.* not yet raised, the Company retain for future disposal 480 shares of the original capital, value 10,800*l.*, and have also to receive the benefit of the large premium of exchange on the amount of funds raised in England, the expense of the whole work, as also of any unforeseen additions to it, is therefore provided for, to the extent of the present expectation of the Company, when aided by the amount so liberally sanctioned by His Majesty's Government.

We therefore submit to the Right Honourable the Secretary for the Colonies, that, according to the communication referred to, "Funds for the completion of the work are now forthcoming," and beg to solicit the honour of an interview with him, in order to bring these statements to his notice, to submit the anxiety of the Company that the measures for affecting the loan may be brought at an early date before Parliament, to know the pleasure of His Majesty's Government in regard to the

THE SHUBENACCADIE CANAL, NOVA SCOTIA.9

the time and manner of the loan, and further to ask a favourable consideration of that part of the original memorial which seeks for the Company, as was given in the case of the Welland Canal, a grant of the uncultivated lands near the line of this communication.

We have the honour to be, Sir, with great respect,
Your very obedient humble servants,
(signed) Charles R. Fairbanks.
John Bainbridge.

LIST OF SUBSCRIBERS for 1,200 Preference Shares in the Shubenaccadie Canal Company.

Number.		Amount Sterling.		
		£.	s.	d.
20.	Thomas Telford, esq., Civil Engineer - - - - -	450	-	-
20.	John Mayon, esq., 69, Broad-street - - - - -	450	-	-
20.	Messrs. Brown, Danson, Willis & Co., 4, King's Arms-yard -	450	-	-
20.	Ambrose Humphrys, 22, Upper Wimpole-street - - - - -	450	-	-
5.	Edmund W. Rundell, esq., Ludgate-hill - - - - -	112	10	-
5.	Thos. Bigge, esq., - - - ditto - - - - -	112	10	-
20.	John Bridge, esq., - - - ditto - - - - -	450	-	-
5.	Mr. Wm. Fauchwrigth, merchant, Liverpool - - - - -	112	10	-
20.	F. C. Ladbrooke, esq., banker - - - - -	450	-	-
10.	Henry Ringscote, esq., ditto - - - - -	225	-	-
40.	John Wright, esq., banker, Henrietta-street - - - - -	900	-	-
10.	Wm. Nicholson Nicholson, esq., Leeds - - - - -	225	-	-
9.	Thomas Golding, esq., Bury St. Edmund's - - - - -	202	10	-
40.	Messrs. Robert & William Pulford, merchants, City - - -	900	-	-
45.	James Putman, esq., John-street - - - - -	1,012	10	-
5.	Edward Blount, esq., Bryanstone-square - - - - -	112	10	-
10.	John Branton, esq., Portsmouth - - - - -	225	-	-
20.	Thomas Dumbleton, esq. - - - - -	450	-	-
5.	Charles Walton, broker, City - - - - -	112	10	-
50.	Thomas & S. N. Sturt, esqrs., Cheltenham - - - - -	1,125	-	-
20.	John Chisty, esq., City - - - - -	450	-	-
50.	Robert Samble, esq., Wortham, Suffolk - - - - -	1,125	-	-
45.	Simeon Warner, esq., of Blackheath - - - - -	1,012	10	-
12.	Lieutenant Colonel Delatze, Jersey - - - - -	270	-	-
10.	George Palmer, esq., Walthanstoid - - - - -	225	-	-
50.	Lewis Lloyd, esq., banker - - - - -	1,125	-	-
135.	Thomas Eyre, esq., Bath - - - - -	3,037	10	-
45.	Mrs. Eyre, Bath - - - - -	1,012	10	-
90.	John Harcourt Powell, esq., 33, Old Burlington-street - -	2,025	-	-
40.	A. Stewart, esq., Woodford - - - - -	900	-	-
324.	John Wright, esq., banker, Henrietta-street, for himself and friends - - - - -	7,290	-	-
1,200.	Preference Shares, at 22 l. 10 s. sterling - - - £.	27,000	-	-

ESTIMATES of Expense of completing the Shubenaccadie Navigation.

										Halifax Currency.		
										£.	s.	d.
Locks, and Nos. 1, 2, 3, and 4 - - - - -										15,632	12	-
Locks, and Nos. 5, 6, 7, 8, 9, 10 and 11, since completed, and 25 miles } navigable - - - - -										36,242	19	6
Locks, and Nos. 12, 13, 14 and 15 - - - - -										23,310	10	6
Payments there made for Engineer's Salary, Incidental Expenses, Law } Charges, and Lands, &c. - - - - -										3,634	15	-
Estimate of Engineer's Salary, 1829, 30 and 31 - - - - -										2,400	-	-
of Lands required - - - - -										1,000	-	-
of Whams, Lock-keepers Houses, &c. - - - - -										900	-	-
of Management - - - - -										1,200	-	-
of Two Steam Tow Boats - - - - -										4,000	-	-
Allowance for Contingencies - - - - -										3,679	2	-
Whole Cost, Halifax Currency - - - - -										92,000	-	-
FUNDS:										£.	s.	d.
The Provisional Grant - - - - -										15,000	-	-
720 Shares subscribed in Halifax - - - - -										18,000	-	-
1,200 Preference Shares taken in London, sterling, 27,000 l. - - - - -										30,000	-	-
										63,000	-	-
										29,000	-	-
Loan proposed by His Majesty's Government - - - - -										22,222	4	5
Whole deficiency, Halifax Currency - - - - -										6,777	15	7
Exchange - - - - -										6,777	15	6
4. not immediately required - £.4,000 Sterling - - - £.										6,100	-	1
and - - - - - 2,900												
										£.6,900		

20th May 1829.

THE SHUBENACCADIE CANAL, IN NOVA SCOTIA. 11

Copy of TREASURY MINUTE, dated 16th April 1830.

READ a letter from Mr. Hay dated sixth instant, transmitting, with reference to the letter from this Board of 7th September last, the copy of a letter from Messrs. Fairbanks and Bainbridge, the agents for the Shubenaccadie Canal Company, stating that the funds for the completion of this work are now forthcoming, and requesting that the necessary measures for effecting the proposed loan may be carried into effect at an early period.

Write to Mr. Hay for the information of Secretary Sir George Murray, that notwithstanding 6,100 *l.* sterling, is still unprovided to make up the sum of 92,000 *l.* Halifax currency, estimated to be requisite for completing this Canal, yet as a considerable proportion of the Canal is already made, and four hundred and eighty original shares, amounting in value to 10,800 *l.* remain undisposed of, and a large profit will arise from the premium of exchange on the funds raised in England, my Lords are willing to recommend to Parliament that a loan of 20,000 *l.* should be made to the Directors of the Shubenaccadie Canal, to be repaid in ten years, with interest at four per cent per annum, on receiving a preferable and the best and most proper security on the said Canal, and my Lords will instruct their solicitor to prepare the securities.

This is a detailed historical map of the Basin of Mines in New Brunswick, Canada. The map shows the St. John River and its tributaries, including the Shubenacadie River. Key locations marked include Sackville, Fletchers, Shubenacadie, and Truro. The map also depicts the extensive track of Hardwood Lands and the Basin of Mines. A scale bar at the bottom indicates distances in miles, and a note mentions the level of medium tides in the Basin of Mines.

SHUBENACCADIE CANAL.

RETURN to an Order of the Honourable House of Commons,
dated 4th May 1830 ;—*for*

COPIES of COMMUNICATIONS between the Lords
of the Treasury, the Lords of the Admiralty, and
the Secretary of State for the Colonies, on the
subject of the SHUBENACCADIE CANAL in *Nova
Scotia*.

Ordered, by The House of Commons, to be Printed,
6 May 1830.

R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO TAKE INTO CONSIDERATION

THE ACCOUNTS AND PAPERS

RELATING TO

THE RIDEAU CANAL.

Ordered, by The House of Commons, to be Printed,
22 April 1831.

REPORT - - - - - p. 3

MINUTES OF EVIDENCE - - - - - p. 15

R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the Accounts and Papers relating to The RIDEAU CANAL, and to report their Observations thereupon to The House, and who were empowered to report the MINUTES of the EVIDENCE taken before them, to The House :—HAVE examined the matters referred to them, and agreed to the following REPORT :

YOUR Committee, upon examination of the Papers referred to them, find that the importance of a Water Communication between Montreal and Kingston, free from the interruptions to which the Navigation of the River Saint Lawrence is exposed, has long been felt by the Governments both of this Country and of the Canadas, and has repeatedly received the sanction of Parliament.

This Communication is proposed to be effected by the Rideau Canal, by several smaller Canals on the Ottawa River, and by two on the Island of Montreal. The Canal of La Chine, near the town of Montreal, appears to have been undertaken in the year 1817; it has been always considered as a provincial work, and the expense defrayed by the Legislature of Lower Canada, with the exception of a small sum contributed by the Crown for the sake of obtaining a right of free passage for troops and Government stores. This Canal is said to be completed.

In 1819 the attention of Government seems to have been especially drawn to the more extensive project of a Water Communication between the Provinces of Upper and Lower Canada, by the line of the Ottawa and the Rideau. In the month of January in that year, the Duke of Richmond, then Governor of Canada, transmitted to the Secretary of State for the Colonies, a Report from Lieut.-General Cockburn in favour of the whole Line of Communication, and from Captain Mann, a survey of the works which would be required on the Ottawa. The works on the Ottawa were estimated at £. 16,740; it was stated that the Province of Lower Canada would defray half the expense, and on that condition only the Government at home assented to the proposal. In May 1819, the Duke of Richmond stated that a Bill providing a sum of £. 25,000, and a further grant of £. 10,000 per annum, for the next six years, for works on the Ottawa, had gone through two readings in the House of Assembly, and that he did not doubt that it would have passed had not circumstances rendered a prorogation necessary. To this great increase upon the former Estimate, the Treasury, by a Minute of the 13th August 1819, appear to have assented, always however on condition that half the expense should be provided for by the Colonial Legislature.

Parl. Paper, N° 135.
p. 11-12.

p. 16.

p. 17.

From this time Your Committee have not been able to obtain any information as to any proceeding on these matters until the 10th December 1823, when, in a letter from the Colonial Office to the Treasury, it is for the first time assumed as a principle that the works on the Ottawa are to be wholly defrayed by the Government at home; it is also stated in that

Parl. Paper, N° 135.
p. 18.

letter that £.25,000 had been already expended on the Grenville Canal alone, and that a further sum of £.24,000 would be required to complete it. To this new arrangement the Treasury of that day gave its assent. So that instead of £.16,740, the sum contemplated in the beginning of 1819 for all the works on the Ottawa, or even of the much larger sum proposed in the latter part of that year, and abandoning the prospect of being relieved from half the expense by the Colony, it appears to Your Committee that in 1823 it was then for the first time determined that the mother country should bear the whole charge of these works, and £.49,000 was stated to be required for the Grenville Canal alone. Your Committee have had no information which could explain this increase of Estimate, or on what grounds it was proposed to relieve Canada from her share of the expense.

p. 21.

p. 38 & 39.

p. 39.

p. 23.

p. 45.

With respect to the Rideau Canal, it appears that in September 1825, a Report was made to the Duke of Wellington, by a commission, of which Major-General Sir J. Carmichael Smyth was President. That commission had before them a Survey and Estimate made by Mr. Clowes, a civil engineer in Upper Canada, and approved of by a joint committee of the Legislative Council and House of Assembly of that Province; they made some slight alterations in Mr. Clowes's plan, and adopting his Estimates, report the probable expense of the Rideau Canal at £.169,000, and of the Works on the Ottawa at £.110,000, including £.60,000, which had been already allotted to those Works. In the early part of the year 1826, Colonel By, of the Engineer Corps, was sent to Canada, to superintend the execution of the Rideau Canal; and among the Papers referred to Your Committee, they feel it their duty to call the attention of The House to two documents connected with the instructions to be given to that officer; the one, dated March 14th, 1826, being memoranda from General Sir J. C. Smyth, with marginal observations from the Board of Ordnance; the other, dated April 18th, 1826, being a letter from the Colonial Office, written by the direction of the then Secretary of State. It would appear from these documents, that both the Board of Ordnance and the Colonial Office conceived, that as Parliament had, to a certain extent, agreed to the construction of the Rideau Canal, they were at liberty to authorize Colonel By to enter into contracts for the Work, without waiting for the annual grants of money. Now, the only sense in which Parliament could be said in any degree to have consented to the Work, was, by a Vote of £.5,000, in 1826, apparently made to enable Colonel By to carry into effect some preliminary measures on the Rideau, and no Estimate of the whole expense had been laid before The House. The Estimate of £.169,000, though submitted to a commission of officers in September 1825, and reported upon by them, does not seem to have been communicated to Parliament before the 22d of May 1827. Your Committee are of opinion, that for any Public Departments to assume to themselves the power of authorizing any officer acting under their orders, to enter into contracts of this description, without the limitation of annual grants; without the consent of Parliament given upon an estimate of the whole contemplated expense; or even, as in this instance would seem to be the case, without the sanction of a Minute of the Board of Treasury, is a practice liable to serious objection. Neither does there appear to have been any necessity for such a course; the Estimates on which Colonel By was directed to proceed, had been long in this country, and they might easily, on the first application for money, have been submitted to the consideration of The House.

On the 1st November 1827, Colonel By sent home his First Report on the Rideau Canal, estimating the expense at £.474,844; this Estimate was referred to, and approved of by, a committee of engineer officers at home, who

ON PAPERS RELATING TO THE RIDEAU CANAL. 5

who reported upon it in January 1828, and expressed a strong opinion on the utter inadequacy of Mr. Clowes's Estimate, on which the Government had hitherto proceeded. Parl. Paper, N° 135
p. 47 & 48.

In 1828 Colonels Fanshawe and Lewis were sent to Canada to report upon these Works, in conjunction with Sir Jas. Kempt; the Government then apparently beginning to feel in how large an undertaking they were engaged, and being desirous of obtaining more accurate information. In the mean time the irregular and improper practice of entering into contracts without authority, and without any stated limits, still continued. Mr. Huskisson, on 26th March 1828, says, "Although I cannot but regret that Lieutenant-Colonel By should have felt himself at liberty before his increased Estimates had been considered and approved by the Board of Ordnance, to conclude contracts for carrying on the work on the present very extensive scale, and have entered into engagements involving so large an expenditure of the public money, without waiting for specific authority from the Department at home; yet so many reasons appear to combine in favour of the plan of Water Communication which he has recommended, that I am not disposed to withhold the sanction of the Government to the prosecution of the work, on the scale recommended by him, provided the Commission to be employed on this subject should, after careful survey, concur in the expediency of the measures proposed, and in the steps taken by Colonel By for the furtherance of this Work." p. 51 & 52.

p. 52.

This Commission reported on the 28th of June 1828, that Colonel By had raised the Estimate from £.474,844 to £.576,757, which they again reduced to £.558,000, believing that this last sum would be sufficient, and would include the charge for the military and civil establishment to the year 1831, amounting to £.60,614, and the remuneration to individuals for loss of property, estimated at £.10,662. They expressed their approbation generally of what had been done by Colonel By, and cautioned him not to exceed the sum appropriated for the expenditure of each year. But it is to be remarked, that the reduced Estimate of £.558,000, determined upon by the Commission in June 1828, and received in England in September that year, was not communicated to Colonel By until long afterwards, in compliance with a Treasury Minute of September 1829; and Your Committee beg to call the attention of The House to a letter from Colonel By, dated 30th December 1829, in which this subject is treated in great detail. From this letter it appears that Colonel By, when first appointed, in 1826, to superintend the works on the Rideau, had remonstrated against the obvious inadequacy of the original Estimate of £.169,000, on grounds and calculations which, in the judgment of Your Committee, ought to have induced the Government to pause. It was then known that the La Chine Canal, only seven miles in length, near Montreal, with only seven locks, and about fifty feet difference of level, had cost £.137,000. Was it therefore reasonable to suppose, that the Rideau Canal, 135 miles in length, as was then supposed to be the case, through an uncleared country, remote from the capital, with eighteen or twenty miles of excavation, some of which was through rock, and deep cutting, with forty-seven locks, and a difference of level of 455 feet, with a number of extensive dams and waste weirs, could have been executed for a sum so little exceeding that which was expended on the much smaller work? It also appears, that on the 13th August, and on the 6th December 1826, Colonel By, then in Canada, reported on the probable insufficiency of the sum proposed. It is true that he had not then examined the ground through which the Canal was to pass, and that he spoke merely from information obtained at Montreal; but Your Committee cannot refrain from expressing some surprize, that after such communications had p. 59.

p. 86 & 88.

p. 110.
p. 110 & 49.

p. 49 & 111.

been received, an Estimate of £169,000 for this Work should have been laid before The House in May 1827.

Parl. Paper, N^o 135.
p. 51.

In March 1828, the Secretary of State for the Colonies, in writing to Lord Beresford, observes, "The Report on the Rideau Canal which your Lordship has transmitted, proves clearly that the completion of that important work upon a scale of sufficient magnitude to render it available for the objects in view, cannot be carried into effect without a greater outlay than was at first anticipated, and that the original survey and report of the civil engineer employed in Canada, were either founded on very erroneous notions of the difficulty and expense of the undertaking, or as it has since been intimated, made out from the reprehensible motive of endeavouring to benefit the Colony, by embarking His Majesty's Government in this undertaking, upon the faith of an Estimate which the author of it considered to be fallacious and inadequate."

p. 126.

p. 47 & 48.

Report of Finance
Committee, p. 408.

Paper from Office
of Ordnance, dated
March 26, 1830.

Parl. Paper, N^o 135.
p. 114 & 115.

p. 116.

p. 115.

Your Committee do not pretend to determine how far the suspicion expressed in these words may have been well founded; but they are distinctly of opinion, that under the circumstances of the case Government ought to have taken measures to obtain a more accurate survey before they committed themselves or Parliament to the work. Colonel By, in the same letter, gives an explanation, which appears to Your Committee to be satisfactory, of the impossibility of confining his annual expenditure to the sum specified in his last instructions. The contractors often found it advantageous to hasten particular parts of the Work; and as in this respect they refused to be controlled, it necessarily followed that the annual expenditure would occasionally exceed the sum to which it was proposed to limit it. Some degree of uncertainty may be the unavoidable condition of works of this description, upon a large scale, and carried on through a country imperfectly explored, and where the difficulties which may retard, or the circumstances which may make it expedient to hasten the execution, cannot be very accurately foreseen. But if this be true, and if the public Departments, acting under such an impression, did feel it necessary to authorize Colonel By to enter into contracts in the manner which has been described, Your Committee are still of opinion that all these circumstances, the authority given, the amount of contracts entered into, the annual expenditure on the spot, and the whole contemplated expense, ought, immediately and without reserve, to have been communicated to Parliament. The consequence of not doing so, coupled with improvident haste in undertaking this Work on an insufficient Estimate, has been, that The House was not in a condition, as it ought to have been when called upon to make the first grant, nor even until two years afterwards, to institute a fair comparison between the value of the objects proposed to be accomplished and the amount of money required for their execution. The first communication to Parliament entitled to much confidence on this subject, appears to be that which was made to the Finance Committee in 1828, up to which time only £.46,000 had been voted. It was then supposed that a sum of £.527,844 would complete the Work. This was afterwards increased to £.576,757.

In August 1830, a further sum of £,116,686 was demanded for excess and errors, and additional works, not originally contemplated on the Rideau Canal, and a sum of £.69,230 for fortifications and the purchase of land, making a total, at this time, of £.762,673. With respect to the £.69,230, the Board of Ordnance proposes that it should not be applied for until the Canal shall be completed, and until the general question of the works required for its defence can be more maturely considered. With the exception, however, of some bridges estimated at £.8,230, which must

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7

must be built under the Rideau Act, and for which the money is to be taken from this last-mentioned sum.

In this state the Accounts appear now to stand; and the result is, that from an Estimate of £.169,000, on which the work was undertaken, the whole expense of the Rideau Canal and works in connexion with it, is now estimated at £.762,673. Of this sum, £.436,666 appears to have been voted, leaving £.326,007 as the amount which will probably be required for the completion of the work. It is true, that of this sum it is proposed to postpone the grant of £.69,230; and that inquiries are going on in Canada on the subject of the excess alluded to, in the sum of £.116,686. These inquiries, probably, will not materially change the amount; and £.256,777 may be therefore taken as the amount now supposed to be required for the Rideau Canal, independently of the £.69,230 before mentioned.

Parl. Paper, N^o 135.

p. 127.

p. 133.

Of this sum, Your Committee do not know what proportion may be pledged in existing contracts; nor do they know accurately how far the contracts have been executed. They have been informed that up to 30th September 1830, the expenditure had amounted to £.516,799,* and they have reason to believe that about £.100,000 more has been expended since that time;† being an excess of £.179,334 beyond the sum voted. Deducting this last sum from £.256,777 (the amount of the remaining Estimate) there will then remain £.77,443 for the payment of the yet unperformed work. Your Committee have already said, that they have been able to obtain little information on the state of existing contracts,‡ but as some uncertainty seems still to prevail with regard to the ultimate expense, they confine themselves to the recommendation that when all just claims under the present contracts shall have been satisfied, the officer superintending the Work shall be instructed to frame an accurate Estimate of what is still necessary to open the navigation on the Rideau Canal, and that this Estimate shall, with the least possible delay, be submitted to Parliament. Your Committee, in making this recommendation, do not feel themselves at liberty to object to the sum of £.256,000, intended to be proposed in the Estimates of this year; because they see no reason to imagine that it will be more than enough to satisfy outstanding claims. They are induced to recommend the propriety of obtaining an immediate Estimate of what remains to be done, from an apprehension that more money may still be required.

* Paper from Board of Ordnance, p. 12.

† Col. Couper's Evidence, p. 28.

‡ Paper from Ordnance, p. 13.

Parl. Paper, N^o 135.

p. 116.

With respect to the Fortifications and other works intended to be comprized under the Estimate of £.69,230, Your Committee are of opinion, that it would not be desirable to proceed on that Estimate without much more accurate information. They have the less difficulty in recommending this delay, as these Works do not appear to be necessary for the navigation of the Canal, and may therefore be postponed without much public inconvenience.

Your Committee cannot conclude this part of the subject without expressing their regret, that notwithstanding the directions given for that purpose in the month of April 1826, more effectual steps should not have been taken for the purchase of land on the banks of this Canal. They observe that some inconvenience and much expense have been produced from the want of this necessary and obvious precaution. Even now all the land which will be required has not been obtained, and as the claims of individual proprietors will naturally rise with the progress of the Work, it is impossible accurately to estimate the sum which may still be wanted for this purpose. They have reason, however, to hope that it will not be a very large one, and they cannot refrain from recommending the purchase

p. 39.

p. 41, 42, 89, 90.

of such portions of land as may be essential for the purposes of the Canal with as little delay as possible.

In making these purchases, attention should be paid to the provisions of the Rideau Canal Act; and as that Act is supposed not to apply to all cases where land may be required, it appears desirable that the suggestion of Colonel Durnford for a revision of the Act should be complied with.

Parl. Paper, N^o 135.
p. 128.

In reverting to the Works upon the Ottawa, Your Committee have already stated, that on the 10th of December 1823, the Grenville Canal was estimated at £.49,000; on the 9th of September 1825, it appears in a Report from Sir J. C. Smyth, that £.60,000 had been already allotted to it. On the 22d November 1828, the Grenville Canal was, however, estimated at £.59,000; the Châte à Blondeau at £.12,540; and the Carillon at £.105,000. But in a letter from Sir J. Kempt, dated 12th February 1829, it appears that a sum of £.113,920 had been then expended on the Grenville Canal, and that £.21,000 more would be required to complete it. In this letter the Canal of the Châte à Blondeau was estimated at £.11,580; and that of the Carillon Rapids at £.58,000, making an aggregate of £.204,000 for Works on the Ottawa, independently of a projected Canal at St. Anne's, of which no Estimate has been yet received. Whether it may be ever deemed advisable to execute this Canal at St. Anne's, or whether, abandoning that intention, it may be found more expedient, as has been suggested by Colonels Fanshaw and Couper*, and alluded to by Sir J. Kempt and by Mr. Routh, to carry the communication to the north of the Island of Montreal, by the River Des Prairies, is a point which Your Committee think deserves the consideration of the Government. A variety of communications took place between Sir J. Kempt and the departments of the Treasury, Ordnance and Colonial Office, in the years 1829, 1830 and 1831, the result of which has been to raise the Estimates for the works upon the Ottawa (exclusively of the unascertained expense of the St. Anne's Canal) to the sum of £.285,367. To this must apparently be added £.23,761 for the expenses of the establishment employed in the superintendence and execution of the Works; making an aggregate of £.309,128. Of this, £.169,099 is stated to have been already granted and applied, leaving £.140,029 still required for these Canals. A saving of £.26,854 is said to be likely to arise from feeding the Carillon Canal from the North River, which would reduce the sum required to £.113,175. It should be observed that some companies of the Royal Staff Corps have been employed on these Canals, and that the charge of £.23,761 for their establishment and expenses, from the 25th of June 1829 (when the companies were transferred to the Ordnance) to the end of 1832 (the period contemplated for the completion of the Works), was originally provided for out of the Army Extraordinaries; it had not hitherto appeared in the Estimates of these works, and may be said, therefore, to be only a change of account.

* Their Evidence,
pp. 15 & 28.
Parl. Paper, N^o 135.
p. 68.
p. 130.

p. 110.

p. 117.

p. 114.

With respect to the sum of £.40,000, which it is intended to propose this year for the Canals on the Ottawa, Your Committee, governed by the same considerations which influenced their opinion in the case of the Rideau, do not think that it can be reasonably objected to; they recommend, however, that a Statement of what has been paid on account of any contracts which may have been entered into, and an accurate Estimate of what remains to be done in these works, should, with as little delay as possible, be communicated to Parliament.

p. 132.

The House will perceive, that notwithstanding Reports made by different officers of Engineers, the same inaccuracy in the first Estimates, the same successive

successive deviations from them, and since 1819, an almost equal want of caution on the part of the Government, which marked the beginning and progress of the Works on the Rideau, prevailed likewise with respect to those upon the Ottawa. The House will also see that these last Works were for some time supposed to be undertaken at the joint expense of the mother Country and the Colony; and however important they may be in a military point of view, and for purposes of defence, still it appears to Your Committee, that their value must be too sensibly felt by the Canadas, not to dispose those Colonies to contribute to the burthen of completing them. They recommend, therefore, that an application to this effect should be made to the Legislatures of the Canadas. The House of Assembly of the Lower Province, entertained the proposition in 1819, and Your Committee see no reason to imagine that it would be now less favourably disposed. An opinion appears to have been entertained, that some revenue may eventually be derived from tolls on these Canals, but the information on that subject is of too conjectural a nature to enable Your Committee to draw any conclusion from it. On the whole, therefore, the sum now demanded on estimate, for this Water Communication from Kingston to Montreal, which was, in 1825, in a Report from Major-General Smyth to the Duke of Wellington, estimated at £. 279,000, appears to amount to £. 1,044,952, exclusively of St. Anne's Canal, and allowing for the proposed saving on the Carillon. The money already voted is £. 605,765, leaving a sum of £. 439,187, as that which is now said to be likely to be required to complete the Works.

And here Your Committee should naturally have concluded their observations, had they not in consequence of the great want of care and accuracy with which these proceedings have been conducted, felt it their duty to endeavour to ascertain what had been the views of former Committees of The House, by whom inquiries of a nature in any degree similar had been made. The First Report to which they directed their attention was one from the Finance Committee of 1817. That Committee in the part of their Report which refers to the Board of Ordnance, express themselves as follows:

Finance Committee, 1817,
p. 85.

“ Your Committee learn that works, buildings, extensions and repairs, have been undertaken and executed, both at home and abroad, in a manner little checked or protected against profusion and waste, in many cases without any Estimate or general Plan, and sometimes extended (according to the statement of an officer of the Ordnance who attended the Committee), as views opened during the progress of the work.”

After mentioning some instances of uncontrolled expenditure, this Report goes on to state—

“ If the whole sum for these great works, or for any one of them, had been at once submitted to The House, by regular Estimate, there would have been an opportunity of considering the propriety of undertaking them, and of making previous inquiries with regard to three essential points: 1st, As to the security or means of defence intended to be obtained: 2dly, As to the probability of the works in question effecting such security or means of defence: 3dly, As to the value of the objects proposed to be accomplished by these Works, compared with the amount of the sums required for their completion, taking into consideration the probability of their being brought into use in consequence of the operations of an enemy. The irregular mode of proceeding which unfortunately prevailed during the time when all these large Works were begun, has had the effect of keeping The House in total ignorance as to the ultimate charge for any one of them. These various works were begun and moderate sums were called
395. for

for from year to year ; the grant of every former Session became a reason for granting more in the succeeding Session, that the first sum might not be expended in vain or the work left incomplete."

" The Committee are also of opinion, that the object and the whole probable expense of every undertaking should be fully stated in the Estimate laid before Parliament, and every subsequent alteration minutely accounted for in the succeeding Estimates ; and that whenever additional votes of money are required, accounts of the entire expense of the sums voted, of the money actually expended, and of the sum still wanting to complete the whole work, should be distinctly submitted to The House according to the form recommended by the Commissioners of Military Inquiry, in their Fourteenth Report, accompanied by an account of all grants of more than two years' standing, which may remain in any degree unexpended ; thus bringing all the circumstances under the immediate cognizance of Parliament, and rendering efficient the system of annual grants, the main support of our Financial Constitution." That Committee then recommends, that all expenditure from the different departments should be placed under the control of the Treasury.

The Commissioners of Military Inquiry, to whom the Report just referred to alludes, state in their Fourteenth Report, page 263, dated March 8th, 1811 :—

" In cases of such magnitude as to require several years for their completion, we do not think it sufficient merely to inform Parliament of the sum estimated for the coming year, without any attention to the expense incurred in former years for the same service, or the expected amount of what will still remain to be done in order to complete it ; but in the cases of which we are now speaking, we think it very material that when the first sum is asked from Parliament for the particular service, although it is perfectly right that that sum should not exceed what may be calculated as the expenditure of the coming year, yet the estimated expense of the whole work, so far as it can be ascertained, should be stated, in order that Parliament, before it votes the first sum, may know the probable amount of the whole expenditure to be incurred."

And afterwards in the same Report :—

" The amount of the general Estimate of the Engineer should also, we think, be noticed in the Parliamentary Estimates, and the sum required for the service of the year should be charged expressly as part of the amount of the general Estimate."

The following observations, applicable to the same subject, are to be found in a Report from the Select Committee of The House, on the Improvements of Windsor Castle, in 1830 :

" Your Committee cannot however refrain from calling the attention of The House to the course which has been followed, of expending large sums of money in anticipation of the votes of the House of Commons. They submit to The House, that such a practice, impossible perhaps to be wholly avoided, and especially in a work of the description which has been the subject of the present inquiry, is one that ought to be checked and restrained as much as possible, by such regulations as may be applicable to this head of expenditure. In this view they suggest, that in every public work which, from its extent, may require several years for completion, before any sum is voted on account, a statement ought, in the first instance, to be submitted to The House, showing the whole estimated charge of such work ; and they observe, that with respect to several other considerable

considerable works now in progress, the rule appears to have been of late years generally observed, but it appears further desirable, that in every subsequent year, the Estimate for that year should be accompanied with a Statement, showing, 1st, The actual Expenditure settled and paid : 2dly, The Amount of Demands outstanding up to the date of such Estimate ; also a specification of the total amount (so far as the same can be ascertained) requisite for finishing such parts of the work as may then be in progress, and for the completion of the whole ; together with a summary explanation of any circumstance which, in the progress of the work, may have occasioned any considerable alteration in, or addition to the original Plan and Estimate."—Report, p. 7.

Your Committee have thought it right to call the attention of The House to these observations, in the propriety of which they entirely concur, and adverting to the authority under which recommendations of this nature have at different times been made, and to the necessity of the case, Your Committee are distinctly of opinion, that some additional security is required for the purpose of giving to Parliament a more early and effectual control over expenditure of this description. With this view they offer the following Regulations to the consideration of The House :

1st.—THAT no Public Work of any magnitude shall be undertaken, except on a Survey and Estimate, made by an officer acting under the orders of some responsible department :

2dly.—That on the First application for a vote of money, an Estimate of the sum likely to be required for the whole work, shall be laid before The House :

3dly.—In cases which require more than one year for their completion, and where money is proposed to be voted on account, there shall be submitted to The House in each year, and before the vote is proposed, a Statement of the sums already voted, of the money actually expended up to the date of the last accounts, of all outstanding demands, and of the sum still wanting to complete the work ; and any deviation from the original plan, or any contemplated addition to the magnitude or expense of the whole work, shall be inserted in the Estimates of each year :

4thly.—No department of the Government shall authorize any officer to enter into contracts for any work beyond the limits of the annual grants of money, without the sanction of a Minute of the Board of Treasury, which shall, with as little delay as possible, be laid before The House.

22 April 1831.

P A P E R S

REFERRED TO IN THE FOREGOING REPORT.

CANALS, NORTH AMERICA.

MEMORANDUM.—7 January 1831.

EXPENDITURE on the Rideau Canal to 30 June 1830, being	£.
the date of the last half-yearly Progress Report, received	441,183
from Lieut.-Colonel By - - - - -	-
Ditto - agreeably to the Statement shown on the Plan sent	
by Sir James Kempt, viz. to 30 September last - -	516,799
(signed)	C. G. Ellicombe,
	L ^t Col. R ^t Eng ^r .

Major-Gen. Sir A. Bryce presents his compliments to Lieut.-Colonel Couper, and herewith incloses two Memoranda dated respectively the 17th inst. for the Master General's information, and orders relative to the Water Communication in Canada, and extensive works of defence at present in progress in the Colonies, which have been prepared in compliance with the Master General's verbal directions.

84, Pall Mall, }
18 Jan. 1831. }

MEMORANDUM

Relative to the WATER COMMUNICATION in CANADA.

RIDEAU CANAL.

The Sum remaining to be voted in 1831 on account of this	£.
Canal, agreeably to Lieut.-Colonel By's Estimate of	140,091
£. 576,757, upon which a Committee in Canada reported	
under the Presidency of Sir James Kempt, is - -	-
Besides the above, Lieut.-Colonel By has reported the fol-	
lowing additional services to be required; viz.	
1. Errors in his Estimate - - -	£. 2,843
2. Excess on ditto - - -	30,134
3. Works not contemplated or proposed in	
his Estimate - - -	83,714
	116,691
	£. 256,782

These additional sums, in consequence of a Report from the office of the Inspector General of Fortifications, were reported by the Master General and Board to the Treasury by letter, 17 August 1830, a copy of which is inclosed; and although it will be therein seen (par. 5,) that further information is to be received from Canada before these expenses will be admitted, yet it cannot be expected that any material reduction can be made, and therefore money for these additional expenses must ultimately be voted; and as from all the reports received it is expected that this Canal will be opened in this year, and that the money will be wanted to pay the contractor's bills in the present year, it becomes a question for the Colonial Department

Parl. Paper, N^o 135,
p. 114.

ON PAPERS RELATING TO THE RIDEAU CANAL. 13

to decide, whether it will not be expedient to vote the whole in the present year, viz. £. 256,782, or it will be found that bills will be paid to an amount for which a corresponding vote has not been granted; and this larger vote may appear the more necessary, as by paragraph of the inclosed Report to the Treasury, it will be seen that it is possible other expenses not yet reported may arise.

It will also be seen by the same Report, par. , that the above sums do not include services amounting to £. 69,230, which, although not absolutely necessary for the Rideau, considered only as a Water Communication, yet must be looked to as consequent upon this great work being completed, and must be considered not only to be ultimately required, but as preliminary to other expenses similarly circumstanced; but as all these, including the before mentioned £. 69,230, will form the subject of separate Reports, requiring much consideration; and also having nothing to do immediately with the money required for the Canal itself, it is recommended that any money required for them should be postponed for the present, and to confine the question as to whether the sum of £. 140,691 should be voted for the Canal in 1831, or the larger amount of £. 256,782, which, as before stated, is likely to be required to defray the contractor's bills in the present year.

CANALS on the OTTAWA, commonly known by the Term
" GRENVILLE CANAL."

These Works are carrying on by the Staff Corps recently transferred to the Ordnance, and consist of the following :

Grenville	-	-	-	-	-	£. 192,264	} £. 309,128
Carillon Rapids	-	-	-	-	-	72,318	
Chûte à Blondeau.	-	-	-	-	-	20,785	
Establishment	-	-	-	-	-	23,761	
St. Anne's Rapids (no Estimate received.)							

Of this amount (£. 309,128), the Ordnance cannot give any correct statement as to the sums already voted, as these works were only recently transferred to the Ordnance; but by Sir James Kempt's despatches to the Colonial Secretary of State, particularly of the 1st April 1830, this office was enabled to report to the Board, on the 21st of June last, the sums which remained to be voted from that time, viz. £. 163,029, of which £. 23,000 was voted in 1830; and it is now proposed to vote £. 40,000 on account in the Estimate for 1831.

RECAPITULATION :

Proposed to be voted in 1830 for the Rideau	-	-	-
For the Grenville and other Canals on the Ottawa	-	-	-

(signed) C. G. Ellicombe,
L^t Col. R^t Eng^r.

SIR,

Office of Ordnance, 21 January 1831.

THE Master General and Board having had under consideration the Memoranda you have transmitted, dated 17th instant, relative to the Water Communication in Canada, I am directed to acquaint you therewith, and to apprise you, that the Master General and Board have intimated to the Secretary of State for the Colonial Department, that the two following sums are those which they suggest should be voted in the Colonial Estimate for the year 1831, the works being all in progress and reported to be indispensably necessary; viz.

	£.
For the Rideau Canal	256,782
For the Grenville, and other Canals on the Ottawa	40,000
	£. 296,782

I have, &c.

Major Gen. Sir Alex. Bryce,
&c. &c. &c.

R. Byham.

LIST OF WITNESSES.

Lunæ, 21^o die Martij, 1831 :

<i>Lieut.-Colonel Edward Fanshaw</i>	-	-	-	-	-	p. 15
<i>Lieut.-Colonel Bouchette</i>	-	-	-	-	-	p. 19
<i>Sir Charles Ogle, Bart. M. P.</i>	-	-	-	-	-	p. 24

Jovis, 24^o die Martij, 1831 :

<i>Major-General Sir A. Bryce</i>	-	-	-	-	-	p. 26
<i>Colonel George Couper</i>	-	-	-	-	-	p. 28
<i>The Right Hon. Robert Wilmot Horton</i>	-	-	-	-	-	p. 31

MINUTES OF EVIDENCE.

Lunæ, 21^o die Martii, 1831.

JOHN NICHOLAS FAZAKERLEY, ESQUIRE,
IN THE CHAIR.

Lieutenant Colonel *Edward Fanshaw*, of the Royal Engineers,
called in; and Examined.

ARE you well acquainted with the works which have been undertaken between Montreal and Kingston?—I have been through the line.

When was your attention first called to the line of works?—In the beginning of the year 1828 I was appointed on a Committee to investigate Colonel By's Estimate, as a member of the committee assembled in London, to compare the Estimate with the drawings sent home to ascertain if any deduction could be made.

Do you recollect generally your impression on that Estimate?—We brought out various differences; but in the balance between the two, there was not above 7,000*l.* or 8,000*l.* deduction that we considered could be made.

Subsequently to that period, you were appointed on a committee to go to Canada to inspect the works?—In the spring I was sent out to join Sir James Kempt on a committee for that object.

That was the spring of 1828?—Yes.

Be kind enough to give the Committee any information you obtained on the inspection of the works?—After assembling at Montreal we went up the Ottawa, viewing the works undertaken by the Staff Corps, and then proceeded to the Rideau.

What is your opinion as to the manner in which it has been conducted; its expediency, and generally on the value and importance of the work?—I have no doubt of its value as a military communication, and also as a commercial communication.

You consider it as a military communication, which is essential to this Province in the event of a war with America?—Very essential.

In a commercial point of view, is it likely to be of much value?—Very much; and in the neighbourhood of that part of the country, especially near Perth, giving an outlet to the produce.

That is not merely as a communication between Lake Ontario and the St. Lawrence, by the Rideau Canal, but generally as increasing the resources of the country through which it passes?—No doubt.

With regard to the works generally, are you of opinion that the most proper line has been selected?—Certainly.

And that the works are as well executed and as well conducted as could reasonably be expected?—They were only in their infancy when I was there; they were commenced in some parts, but the country was quite a wilderness.

When did Colonel By commence them?—In the year 1826.

On an inspection of the works therefore, and a better acquaintance with the works themselves, and the propriety of the Estimate, do you see any reason to think Colonel By's Estimate an inaccurate one materially?—Not materially inaccurate.

Are you acquainted with an Estimate which was sent sometime before, by a person of the name of Clowes?—Yes; that estimate was considered in London at the same time as Colonel By's original Estimate.

That turned out to be altogether inadequate?—It was altogether fallacious as to amount; but the same line of navigation is nearly adhered to, with a few variations.

Lieut. Col.
Edward Fanshaw.

21 March,
1831.

16 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Lieut. Col.
Edward Fanshaw.

21 March,
1831.

In order to enable the Government at home to form an opinion on the character of the Estimate of works of this description, should you not think it was necessary for them to be in possession of Estimates and Plans, as much in detail as those submitted to them by Colonel By?—Certainly.

That unless they were in possession of documents as much in detail as those, they could hardly come to a correct opinion?—No correct opinion can be come to till the work has been finished, in such a wilderness, where you have to feel every step, and where no work has been undertaken before.

Even now you think the whole amount of the expense can be hardly ascertained?—Even now certainly not accurately; you cannot form a previous Estimate with any degree of confidence.

How far is the Rideau Canal finished?—I believe about 45 miles are complete.

What is the whole length?—One hundred and fifty miles.

Was it not to be 130 miles when it was completed?—Adding five miles from Kingston Mills to Kingston, would make it 135; but, I believe, it is nearly 150, taking the whole line through.

When you say about 40 miles are complete, and the whole distance to be 140, do you mean that the works have been begun on the greater part of the line?—On the whole line.

But what amount of the whole work do you think remains still to be completed?—In fractional parts?

Is one-third done, or one-half?—I should think full three-fourths, from the Reports that have been received.

What is the latest that has been received?—Up to the 30th of June was the last Progress Report; they are received half-yearly; I do not think the December Report has arrived yet.

At that time three fourths were complete?—Not at that time.

What you now conjecture to be done?—Yes.

Are you acquainted with the great Canal in America from New York?—I have not seen the whole of it; I saw the debouches at Albany and Black Rock.

Is it conducted on more economical principles than this?—It is a very different thing; it is a mere ditch; the Americans went on a different principle, they opened their communication in a temporary manner that they might immediately receive a revenue.

You are not of opinion that a work constructed on that principle, or a work of that sort of construction, would have answered the purpose in this instance?—Wooden locks might have been adopted, but I could not have recommended it; it would have been very expensive in the end.

On the score of durability?—Yes, on the score of durability.

Were you in Canada during the last war between this country and the United States?—No.

Have you had any means of judging of the expense which was incurred during the last war from the want of the water communication between the Upper and Lower Provinces?—From what I have heard, and corroborated by my own observation—these accounts never passed through me—but I have no doubt of the great economy of the Rideau Navigation for the transport of heavy stores.

Have you reason to believe the expense was most enormous of the transport of stores to the Upper Provinces?—It was most enormous; I have heard 200*l.* for a twenty-four pounder gun (I do not know how far it is correct), for the mere transport of it.

By what office are these works conducted; by what Department?—By the Ordnance.

By the Ordnance entirely?—Yes.

When the work has been determined on by Government, what is the course in which they are laid before the Ordnance; they are determined originally by the Colonial Office, are they not?—Yes, and communicated to the Muster General Board by the Colonial Secretary of State to the Ordnance, who are desired to undertake it.

The whole of them have been conducted by the Ordnance Department?—The whole of the Rideau; the short Canals on the Ottawa were originally undertaken by the Treasury, but of late years they have also been transferred to the Ordnance.

Are you of opinion that works of this nature would generally be more advantageously conducted by the Ordnance, than by any other department?—I think the
Ordnance

Ordnance have greater means of conducting works of this nature, and also of facilitating the fixing responsibility on the proper person, in case of failure.

Should you think it desirable, before works of this description are undertaken, that some report should be laid before Government, made by an engineer connected with the Ordnance department?—Certainly; provided the work is to be done by the Ordnance.

Has the work been done by contract?—Wholly by contract, with the exception of a few Sappers, occasionally employed for small parts of the work.

If works of this sort are undertaken by contract, is it very difficult to limit the annual account; is it necessary in contracting for works, to give the contractors very much the choice of accomplishing the work within the time that suits them best?—Certainly.

For that purpose, and with a view to accomplish that object, would it not be very difficult to limit the amount of annual grants?—Unless it is understood beforehand; in point of economy, it is desirable to allow the contractor to go on at the rate he can accomplish, but that at a known rate, in order that you may regulate your superintendence.

Do you happen to know if Colonel By was at liberty to make contracts without waiting for annual grants of money?—Yes, the contracts were nearly all completed before I was in Canada.

For the whole work?—Yes, with very little exception; I suppose four-fifths.

As they were completed for four-fifths, how came the expense to exceed the Estimate?—It was not a contract for a particular work, at so many thousand pounds, but at such a price per cubic foot of masonry, or yard of excavation.

Has the excess over the Estimate arisen from alterations in the work?—There have been alterations since we were there, and some of the contractors have been allowed to give up their contracts, and the prices have been very much exceeded in consequence.

From what circumstance were they allowed to give up their contracts?—That I do not know; some works were originally contracted for at 4*s.* per cubic yard, but not finished under 8*s.* 6*d.* per cubic yard.

You made, yourself, an Estimate in June 1828, you, in common with Sir James Kempt and Colonel Lewis saying, that you thought the whole amount of the works on the Rideau Canal would be about 558,000*l.*?—We did not make an Estimate, it was, on examination in detail of Colonel By's Estimate of 576,000*l.* that we made that deduction.

And upon personal inspection?—Yes, on examining the dimensions and levels given by Colonel By; we did not take the levels ourselves, nor undertake any of that duty which would be necessary for forming a new Estimate.

How do you account for the great excess that has since taken place?—It is difficult to account for it; the papers are all gone to Canada for full explanation, they are not returned, and some alterations have taken place.

Do you mean alterations in the construction of the Canal, or the depth of water, or alterations in the original plan?—In some of the levels since we were there; the summit level is now 291, it was then 287.

That has led materially to the increase of expense?—That I cannot say; that will depend on the explanation that comes from Canada; alterations have taken place and it is difficult to say how far they effect the expense.

On the 28th of June 1828, you with Sir James Kempt and Colonel Lewis, wrote a letter of instruction to Colonel By and cautioning him not to undertake further works until those already in progress were sufficiently advanced to enable him to appropriate funds for the remainder; do you happen to know if Colonel By has complied with that instruction?—I really cannot say; I should suppose not; because the whole line is now in progress, and he has exceeded the grants, it would have been difficult wholly to avoid doing what he has done in order to carry on the work in a continuous manner.

There is one work which is suggested to be necessary to complete this Communication, of which no Estimate has been received in this country, the Saint Anne's Canal?—No.

You estimate that at an expense apparently from 25,000*l.* to 40,000*l.*?—That will depend on the scale.

As a comparative statement, you say it would cost 25,000*l.* on the scale of La Chine Canal, and on another, the Committee scale, the expense would be 40,000*l.*?

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Lieut. Col.
Edward Fanshaw.

21 March,
1831.

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Lieut. Col.
Edward Fanshaw.

21 March,
1831.

—It was merely from looking at the ground without taking the levels, it will depend very much whether the Saint Anne's line is taken, that is not the line I recommend.

You recommend avoiding St. Anne's and La Chine, going to the north of the Montreal Island by the River of Les Prairies?—Yes; as a military communication that is the course I should prefer.

To go to the north of Montreal by the River of Les Prairies?—Yes.

In point of expense, what would be the consequence of doing so?—That would be more expensive; for the La Chine Canal is already made, on the scale upon which it is constructed.

Therefore it would be more expensive to go to the north of the Island?—Yes; but you could have a more secure military communication.

Is not the La Chine Canal such that you cannot avail yourself of the advantage of the larger locks on the Rideau Canal which are now finished?—You would either commence your transport from La Chine, or it is only by removing the paddles and then the vessel would go through; the La Chine Canal locks are twenty feet wide, and the vessel to be thirty feet over the paddles would not be above seventeen or eighteen beam, so that by unshipping the paddles she would pass through.

They are enlarging the locks at the Grenville?—Yes.

At what period did you leave Canada?—In 1828.

You have not been there since?—No.

Of course you are not competent to speak of your own personal knowledge of the present state of these works?—No.

Nor to give the Committee your opinion of course as to the probable expense which is necessary to bring it to a conclusion?—No.

From your general acquaintance with the work, and from the uncertainty which necessarily attends a work of this description, do you think that the Committee will by any means be enabled to give to Parliament any correct Estimate of what may be the ultimate expense?—Not exactly, it will be approximate, now the work is nearly finished.

What is the nature of these papers that have been sent to Colonel By with a view of obtaining information from him?—I may describe them as Estimates, they amount to that.

Then the House of Commons will be able to form a much more correct opinion on this when Colonel By's answer is received?—Colonel Durnford, on the spot, was called upon to investigate it himself.

Whenever his report is received in this country The House will be able to come to a more correct conclusion?—Until then we are quite in the dark as to the explanation of the excess.

In the event of a war, do you conceive there would be any communication between the Lower and Upper Provinces without the Rideau Canal?—For the transport of stores not without a very great expense, and a very great uncertainty.

Do you conceive that any merchandize could be carried up the St. Lawrence, the Americans possessing Barnhart's Island?—The Americans, possessing Barnhart's Island, control the whole channel at that spot.

You say, that Barnhart's Island controls the whole channel?—At that spot.

Has any Estimate been made of the Canal north of the Montreal, that has been talked of?—On the River Les Prairies.

Supposing there should be a communication by the River to the north of Montreal instead of going by St. Anne, has any Estimate been given of that?—No; the levels have never been correctly taken for an Estimate; it would not be a continuous Canal, it would be merely making the River navigable; the River Les Prairies is thirty-three miles long, and already navigable for the greater part.

Would it be a very great expense?—A very great expense, no doubt, but not equal to cutting a Canal the whole length; it would be a much greater expense than cutting the short Canal at St. Anne's; but you would not acquire a continuous Canal. The River is thirty-three miles long, and is navigable twenty-seven or twenty-eight; loaded batteaux go through it now at some seasons.

Were you ever in Canada before you went out on this survey?—Never.

You were not at all consulted on the original Estimate as to the construction of the works, but you were sent out by the Ordnance Board, in connection with Colonel Lewis, to see the then state of the works, and report on them?—Yes; to see the state of the works, and report on them.

Do you know whether a large population has not been collected on the line of this intended Canal, on the faith of that Communication being completed, and that villages have been formed, and parties have gone there to take grants?—On the expectation of that very probably.

And

And a great number of settlers have been going there?—Yes.

In case of the Canal being abandoned, what do you presume would be the effect of it upon the settlers and population of the country?—Many of them no doubt would have to remove; but the country will be benefited by what is done, for you have now 45 miles of Canal finished.

It would stop the prosperity of that part of the country very much?—Yes.

Have you any notion of the commercial importance, do you see any great stress laid on that part of the work?—In time of peace, the commercial people would rather have had a communication by the River St. Lawrence.

That is supposing you could have made a Canal of St. Lawrence, not as it is at present?—No; by making Canals with locks to turn the rapids.

Do you apprehend, either in peace or in war, any commercial passage by the Canal is likely to pay to the state any considerable revenue?—I think not; nor for a vast number of years.

The traffic would not be sufficient?—No, not to induce any merchant to have undertaken it on his account, if he had had the means.

Supposing it would not be sufficient to do that, do you think it would be enough to keep the work in repair?—Yes, if the work is well done originally.

Did the Hog's Back give way, when were you there?—Afterwards; when I was there the work was not well done by the contractor, at Hog's Back, which was pointed out to Colonel By.

Have you any report if the thing has been better done since?—Since the failure I understand it has.

And it is likely to stand?—I have no reason to doubt it; the materials of which it is composed are excellent, if they were well put together.

Is it intended to erect any batteries for the defence of the locks?—I understand so.

Do you think the Americans could easily attack the Canal, and blow up the locks?—Not easily; it is some distance from them, and they have to cross the St. Lawrence in the first place.

Could not a small party cross the St. Lawrence unnoticed, and penetrate through the country, and destroy these works?—I conceive not easily, unless the population were in their favour; but the interests of the population are identified with the Canal.

The population is far from dense in the route they would take?—The population would easily collect along the line of the Canal; there is already a population on the banks of St. Lawrence, who would give them notice. An enemy would have the garrison of Kingston on their flank and rear, therefore they would advance with great caution.

They must cross through woods and an uncultivated country to get to the Canal?—Yes, generally speaking; but that will not be the case in a few years; every year the strength of the country will increase with the population.

Generally upon this line, to make it a defensible and military line, do you think any considerable fortifications will be necessary?—Not very considerable.

Must there not be considerable works at Kingston?—That is the *entrepôt* and *dépôt* for Canada.

Independently of this Canal?—Yes.

Along the Canal itself you think the fortifications need not be very expensive or considerable?—No; they need not be very expensive.

Colonel Lewis is in Jersey?—Yes.

Lieut.-Colonel *Bouchette*, called in; and Examined.

WHAT situation do you fill in Canada?—Surveyor General of the Province of Lower Canada.

Are you appointed by the Provincial Government?—No; I am appointed by the King: I hold His Majesty's commission.

Are you acquainted with the line of Water Communication between Kingston and Montreal, by the Rideau and the Ottawa?—With both.

Personally?—Personally.

What is your opinion of its military importance?—I conceive the communication of the Rideau Canal is a communication of the greatest importance, in a variety of points of view, both in a military and a commercial point of view; and, ultimately, as probably producing a revenue very much exceeding even the very immense sum expended on that Canal. Perhaps the Committee will permit me to open one of

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the maps, which will exemplify that which I may be afterwards better able to convey.—[*The Witness opens two large Maps, and explains them to the Committee.*] This is a Map of the general country that shows the communications in a different way; this is a Map of the Lower Province, showing the boundary line; there is a particular map; there is the Ottawa River; this is the first time it has been completed on so large a scale.

What knowledge have you of the Canals in Lower and Upper Canada, and whence is that knowledge derived?—As a native of, and resident in Lower Canada, and having resided also in Upper Canada, I possess a knowledge of both Provinces, which the active nature of my professional services, from a very early period of my life to the present day, has enabled me considerably to extend. As Surveyor General of Lower Canada, I have, during a period of nearly thirty years, had it in my power to obtain a most intimate personal knowledge of the Province, its internal communications, and relative connection with the sister provinces above and below it, and especially with Upper Canada; I have repeatedly visited the Grenville Canal, and also the Rideau, at and in the vicinity of By Town, and am likewise particularly acquainted with the country about Kingston, at the southern extremity of the Rideau Canal, but have not traversed the whole line, although well acquainted with it from the authentic surveys, levels and other documents in my possession. The topographical maps and works I am about publishing on the subject of the British North American Colonies, contain much of the information which it is in my power to offer, and as this information is generally grounded upon authority, I shall beg leave of your Honourable Committee to allow me occasionally to refer to the pages of my printed work.

What are the extent and dimensions of the Rideau Canal?—The extent and dimensions of the Rideau Canal are not of a nature to be properly estimated by the mere length, breadth and depth of excavation, &c. the statement of which would be sufficiently descriptive of the capacity of most other canals; indeed, the whole length of excavation that was necessary for the accomplishment of this great work, does not amount to 20 miles, the excavation being 40 feet in width at the bottom, 61 at the water's surface, and five feet in depth. At page 153, of my work, which is now on the table of your Honourable Committee, are stated the dimensions of the Rideau Canal, as taken from the authority of the various engineers employed on that service. These dimensions may summarily be stated thus: length of the Canal 132 miles (stated also at 135;) length of the locks 142 feet; breadth of ditto 33 feet, depth of water 5 feet. The dimensions of the locks (the proper criterion of the Canal's capacity) are calculated from their size, to admit of vessels of any burden under 125 tons, and the numerous expansive sheets of deep water, produced by frequent dams, form so many basins at various intervals where the Canal vessels may conveniently wait their turn of passing through the locks; steam tow-boats will also be kept here to accelerate the progress of these vessels by towing them across the still waters, especially on the Lake Rideau, where this description of towage would be uninterrupted for a distance of 24 miles.

What are the extent and dimensions of the Grenville Canal?—The Grenville Canal is also described, p. 155, in the work already alluded to now before your Honourable Committee; it consists of three sections, the first and principal one avoiding the Long Sault; the second, the Chûte à Blondeau; and the third at the Carillon Rapids. The Canal is excavated twenty-eight feet wide at the bottom, forty-eight feet at the water line, and calculated for five feet depth of water. Much of the excavation is through solid rock.

What is the extent of country drained or otherwise benefited by the Rideau Canal?—The Rideau Canal traverses part of the county of the Frontenac, Upper Canada, the counties of Leeds and Grenville, and divides the counties of Carleton and Russell from one another; it bounds or traverses eighteen townships, and may be said to drain and otherwise benefit 3,000 superficial square statute miles of territory, being a large portion of that valuable section of Upper Canada, lying between the Saint Lawrence on the south-east, and the Ottawa River to the northward. Most of the lands traversed by the Canal are fit for cultivation, and are making rapid advances in settlement; many of the shaking swamps and bogs have been laid under water by the action of the dams producing a reflux of the water, and many others have been drained by the Canal.

What are the advantages to be derived by this country from the opening of the Rideau Canal: 1st in a political; 2d in a commercial, and 3d, in a fiscal point of view?—In a political point of view, the Rideau Canal must be considered as a
work

work of national import from its removing from a weak and vulnerable frontier, the great thoroughfare and leading communication between the Provinces of Lower and Upper Canada, and strengthening and consolidating the whole of the British Colonies in America. Without the existence of so invaluable a work the loss of Upper Canada, so interesting and flourishing a section of the empire might have been looked upon as less than problematical in the event of war with the United States of America; and how far the security of the remaining British possessions on the American continent would be endangered by such a loss must appear evident by the geography of the country. With the Saint Lawrence as the only leading highway between the Canadas, the intercourse must have been constantly under the surveillance and check of a foreign state, and in times of hostility the transport of troops and military stores necessary for the defence of the Province must have been, if not entirely at the mercy of an enemy at least exposed to be destroyed, cut off or otherwise rendered abortive. Quebec is truly, as have been stated, the key of the Canadas, but this can only be in one sense, from its being the strong hold, the great seaport, the bulwark of the country; but in another aspect, Upper Canada may be viewed as the key of the British possessions, inasmuch as if it fell into the hands of a foreign power, advantages almost irresistible would be afforded to it for the invasion of the provinces situated lower down, into which naval and military forces might be poured *ad libitum*, that would finally drive British dominions to the sea coast and leave an enemy in the occupation of the most beautiful and flourishing portion of North America. By giving political security to the intercourse between the Canadas, their commercial interests would be no doubt relatively benefited, but the Rideau Canal considered under a commercial aspect will not only give security to the trade, but tend to increase it, by offering facilities in the transport of produce, and inviting a larger number of the inhabitants of the Upper Province to engage in mercantile speculations. Its influence in this respect will extend not only to the shores of Lake Ontario, but to those of Lake Erie. The Welland and the Rideau Canals will mutually benefit each other as the existence of the Rideau will doubtless induce many to pass through the Welland, while the opening of the Welland throws open the trade with the shores of Lake Erie, a great part of which may be expected to pass through the Rideau Canal, connecting as it does two grand rivers, opening a steam-boat communication between the flourishing town and settlements about Kingston, and the fertile and rapidly settling country on the banks of the Ottawa, the Rideau Canal cannot fail in giving increased vigour to the commerce of the country; at the same time that it will contribute essentially to the amelioration and settlement of those extensive and valuable parts of the Canadas, which it traverses and connects. The fiscal advantages of the Rideau Canal must, in some measure, depend on the trade of the country, as the tolls will principally arise from the passage through that channel of the produce above it, and of the returns to be forwarded from the return below it. If these tolls are moderate as well on the Rideau Canal, as on the Grenville Canal, little doubt can be entertained that the security of this means of transport will be appreciated by traders, and generally adopted in preference to the risks and perils of the dangerous rapids of the St. Lawrence. Timber (especially masts) it is well known, is considerably shaken and injured in its soundness, by the shocks it frequently receives in descending the violent cascades of the Rivers St. Lawrence and Ottawa; and by opening these Canals to timber, upon receiving competent yet small tolls, much of that staple commodity of the country would descend through the Canals, and probably fetch, in consequence, a higher price in the market; at all events the toll would be more than compensated by the preservation of the timber, which is now so often totally lost in the St. Lawrence, in the Lakes as well as in the Rapids. Referring to page 158 of my work, I find that the present trade of the St. Lawrence, above the Montreal, gives employment to about 10,000 tons of shipping, in Durham boats and batteaux. Now admitting (to have a mere *aperçu* on the subject) that this trade were carried through the Rideau and Grenville Canals, and that each ton paid the moderate toll of 1*l.* 18*s.* only, we have 19,000*l.* to which in the gross two-thirds may be added for the returns, giving together 31,666*l.*, independently of monies levied upon timber passing through the Canal, which would, I apprehend, be a source of considerable revenue of itself. The expenses of collecting the tolls would necessarily be a matter of moment from the extent of the line of Canal; but it should be borne in mind, that these will be comparatively stationary, or at least their increase cannot be expected to keep pace with the increased employment of the Canals, arising from the growing population

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and improvement of a rising province, whose wealth and internal resources are rapidly developing themselves. The removal of troops and military stores from one Province to the other, which has hitherto been attended with such heavy expense to the mother country, will also be effected with much more economy and dispatch by this route than by the St. Lawrence.

What would be the most effectual and expeditious means of obtaining returns for the monies laid out by Great Britain in the construction of the Rideau and Grenville Canals?—First, the further disposition of Crown Lands in the Canadas, on the principle of the sales already made to the Canada Company; second, the establishment of government warehouses on the Canals; third, the encouragement of trade by the exaction of moderate tolls; fourth, the encouragement of emigration to, and the settlement of both Provinces. There is little doubt that the expenses consequent upon the casual repairs that will be from time to time required upon the Canals, will be defrayed by the Provinces benefited, were a proposition to that effect made by His Majesty's Government to their respective legislatures. I would submit to this Committee, what I have stated in the pages which I have taken the liberty of quoting in this work, it is called, "The British Dominions in North America." [*The witness hands in his book.*]

Have you heard the Americans say our Canal would interfere with theirs?—Yes; and they have reason to say so, for the moment that that communication is opened on the principle on which it is now begun, it will be impossible for the American Canal, the narrow or Western Canal to cope with us; it is impossible.

What reason have you to think that the Canada Canal will ingross a considerable part of that trade which now passes along the North Western Canal in the United States?—The Western Canal is not upon a similar scale; the inconvenience of travelling the Western Canal in small lighters and boats of a minor description and dimensions, the slowness with which they move, and the expense which is already double that of ours, for it is, I believe, something like 4*l.* per ton from the eastern extremity of Lake Erie to Albany or New York, but now ours is about 2*l.* but I do not recollect the exact sum; there is a difference of more than 30*s.* between the American Canal route and that of Canada.

Do you know what tonnage the boat is that passes along the North-western Canal?—Something like 16 tons.

Will not the circumstance of the port of New York being at all times open, whereas the St. Lawrence is only open during the summer months of the year, give a great preference to the North-western Canal?—Not with respect to the produce of a country which is governed by its climate; for instance, the Upper Canada is governed by its climate, and though the Western Canal passes through the States, the same climate exists at its entrance, and the Western Canal is of no more use to the Americans in winter than it is to Upper Canada. The Welland Canal opens three weeks earlier in the spring, from the pressure of the ice at the eastern extremity of Lake Erie, and at the entrance of the American Western Canal. Therefore we have an advantage of three weeks instead of having a disadvantage.

When our Canals are finished, do not you think the vessels will be built to navigate the whole of the lakes on the Canals, without unshipping the cargoes?—Perfectly so, to the extent of 120 tons; and the La Chine Canal, which is in connexion with this great line of communication, does not admit more than the Durham boats of 16 tons; but then the La Chine Canal, which has cost the Province of Lower Canada 130,000*l.* exactly, they will find it to the interest of the Province to enlarge and widen the Canal, to open it in the same way as the others. The La Chine Canal, thus opened on the same principle as the line of Canal above it, will be the means of opening an inland navigation for vessels of 120 tons, from Lake Huron eastward, through the Lakes, the Canals, and the St. Lawrence to the sea, a distance exceeding 1,500 miles.

A vessel of that burden will pass through the Canal?—Yes; and the scale on which the Rideau Canal is constructed ought to be a scale for the whole of them; it is 61 at the surface.

Do you conceive that the local legislature have shown any interest in the progress of this work?—I consider they do show an interest, though not so serious by voting sums of money; but I believe from the state of the progress in which these works are in, the legislature of Canada would take, as far as they could, and as far as the means of the Province extended, an interest in it; they feel a great interest in the communication at present.

Do you think there is a probability that they would bear some proportion of the future

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future expense of the work?—I imagine there is no doubt that the Province of Lower Canada would bear a small proportion; I do not think the Upper Canada could bear much.

Do you think, if any remuneration were required for the land overflowed in the vallies, that that Government would pay for that land?—The Upper Province?

The Province wherever it is?—That is the Upper Province; I imagine that they would make every effort as far as their means went.

Do you know any thing of the rate at which the land through which the Canal went was bought; whether an exorbitant sum was asked for it?—I believe every system of economy has been attempted; some of the lands were purchased dearer than they might have been purchased at an early period, when individuals saw they might derive advantage from land by asking high prices; I believe the Government are obliged to pay higher for lands than they would if the owners had not seen their particular interest, and exacted sometimes a higher price.

In what manner is the price fixed?—This was done through the military channel, and I was not made acquainted with it.

May not the backwardness of the Provinces to advance the money in aid of this Canal have been owing to their anticipating that the mother country would pay all expenses?—I believe more originally from their feeble means, and their being apprehensive to engage in more than they could perform, rather than an unwillingness to encourage it.

Were you ever employed officially about this work of the Rideau Canal?—I was not employed in any manner on the Rideau Canal, but was employed frequently in taking official tours through the colony, under the orders of the Governor-in-Chief, especially in 1820, 1824, and more recently in 1827; the chief object of these tours was to take down improvements that had taken place in the colony.

You were never called on specially to survey this work?—No.

Have you had an opportunity of seeing the whole line of the Rideau Canal?—Not the whole; I have seen that which is finished at the By Town, and above it, and I have seen Kingston; I have not traversed the whole line, though I am perfectly well acquainted with it, and the Commissioners for the internal communication have transmitted me, for my special use and information, the plan of the Rideau Canal, exhibiting the actual survey and sections of the whole line of Canal as performed by the engineers employed on that service.

When did you last see it?—In 1827.

Not since?—No; but a great deal was done then.

You are not competent to give the Committee information of the present state of the work, from your personal knowledge?—Not from my personal knowledge, except from recent reports of the very surveyors that were in that employment; I would name Mr. Burrows, who is a deputy land-surveyor in the Province, through whom, and other sources to be depended upon, I became acquainted with the progress of these works.

Have you been lately in Canada?—I am quite recently from there; I left it last year.

Do you happen to know in what state the work is towards completion?—I have got it from excellent authority, that the Canal would be likely to be perfectly open in this fall.

You mean the autumn?—Next autumn; and on referring to the speech of the Governor of Upper Canada, at the opening of the session this winter, he declares that to be the prospect.

Can goods be carried down the St. Lawrence without transhipment at present?—Not in vessels beyond the Durham boats of 16 tons, they go down the St. Lawrence without re-shipment from Lake Ontario to Montreal, but they are exposed to some of the rapids, and all the rafts and timbers are exposed to the violence of the rapids, and exposures that rafts meet on the lakes, which is as bad almost as the rapids; they are driven on one side of the lake or other, and frequently lost.

What is the expense of the insurance from Kingston to Montreal?—I cannot reply to the question at present.

Are you prepared with documents, or evidence, to show what the final course would be necessary to complete those works?—I am not.

When the Canal is finished, will masts be carried down St. Lawrence cheaper?—At a more reasonable rate and more safe by the Rideau.

Have you had any thing to do with the sale of lands in Upper Canada?—I have not; the sale, the produce of the sale made in Canada, will go to defray the expense of Government.

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You do not know of the enhancement of the price of land on the Canal in consequence of the works there?—It is enhanced considerably; I presume they have enhanced from 5*s.* to full one half since the commencement of these sales, in their value.

Is the settlement proceeding rapidly?—So rapidly, when it commenced in the year 1816, that there were about 1,900 souls; now the Canal drains 3,000 square miles, and the settlements in the vicinity of that Canal, from one extremity to another, exceed 14,000 souls.

If the Canal were not to be completed, these persons would be very considerably injured in their interest, having paid a large sum for their lands in expectation of the advantages to be derived from that Canal?—I should imagine that very few individuals who settle on the borders of such a Canal are much in the way of buying lands; I believe those lands were granted to reduced officers and soldiers, and others who emigrated in the vicinity, and who did not acquire them by purchase; therefore, even if the Rideau Canal were to be discontinued, the country would suffer generally; but the individuals that have sold lands would have been benefited; those who have not sold lands would only be where they were in the outset.

Is the land through which the Rideau Canal passes generally of good quality?—Some part of it is low and swampy, but in general it is all fit for settlement; but though the Canal has gone over great parts of the country, it has done more good to it than injury; it has drained it considerably. I would beg leave to refer to a work relating to the Rideau Canal; it is M^cTaggart's "Three Years in Canada;" this gentleman gives a more minute detail and description of the Rideau Canal than I thought necessary to give in a more enlarged work I am now publishing, and to which I have already alluded in the course of evidence to the Canal Communications in the Canadas.

Sir Charles Ogle, a Member of the Committee; Examined.

Sir
Charles Ogle, Bart.
M. P.

ARE you personally acquainted with the line of communication between Kingston and Montreal, by the Rideau Canal?—About a year and a half ago I went through the whole of it; I examined every lock, and they appeared to me to be admirably constructed; a vessel of five feet water could go through them; it appeared to me, upon comparing the navigation of the River St. Lawrence from Montreal to Kingston with that of the Rideau, that the trade ultimately would be diverted to the Rideau.

Will you state to the Committee your reasons?—Because the rapids are extremely dangerous on the St. Lawrence, and in the event of war, from the Americans possessing Barnhart's Island, the communications must be completely cut off. It appeared to me, from all the information I could gain, that a very considerable revenue would be obtained by commerce going through the Rideau Canal by the tolls to be levied; with respect to the rapids, or the particulars of the rapids, I have mentioned them here [*referring to a paper*] which I have examined.

Will you be kind enough to put that paper in?—Yes.

[*The following Paper was delivered in.*]

It appears to me, in a military point of view, that the Rideau Canal is absolutely necessary to keep up the communication between Upper and Lower Canada; indeed I think, in the event of war, considering the territory possessed by the Americans, and its increased population on the left bank of the St. Lawrence, that all trade must be suspended unless it be carried on through this Canal. Even in the last war, it was with great difficulty that stores and men were conveyed, at an enormous expense, from Montreal to Kingston. The men were picked off by the American riflemen, and the stores obliged to be landed and re-shipped, exposed to great risk.

I shall now endeavour to show the comparative distance, dangers, and advantages of the two routes between Montreal and Kingston; one by the St. Lawrence, the other by the Rideau Canal, which I collected in my inquiries on the spot about a year ago.

The distance from Montreal to Kingston, by the St. Lawrence River, is 171 miles; and by the Rideau Canal *via* St. Anne's, 267 miles.

By the St. Lawrence route there are five dangerous rapids, which are impassable by steam-boats, and where the cargoes must be partially unloaded. The Durham boats, boats peculiar to the country, navigate the rapids at considerable

considerable risk, whole crews and cargoes having been frequently lost ; these boats generally carry from 20 to 30 tons burden, and take from fourteen to twenty-one days to perform the voyage between Montreal and Kingston. The expense of towing, &c. exceeds three pounds, and, in some instances, the horses have been dragged into the current by the swing of the boat, and drowned. The lockage expense is about two pounds.

These rapids vary in rapidity, intricacy, depth and width of channel, and in extent, from half a mile to nine miles.

The Cedar Rapid is twenty-four miles from La Chine, nine miles long, and in some places has only nine to ten feet water in the channel ; is very intricate, and runs from nine to twelve miles the hour.

Coteau de Lac Rapid, six miles above Cedar Rapid, is two miles long, equally intricate in the channel, and in some places only sixteen feet wide.

Long Sault Rapid, forty-five miles above Coteau de Lac, is nine or ten miles long, generally the same depth of water throughout ; from thence to Prescott, forty-one miles of shoal water running from six to eight miles an hour, and impassable by steam-boats ; then intervenes Rapid du Plas, half a mile long, and Rapid Galoose, one and a half mile long.

The voyage by the Rideau Canal, I should think might be performed in two days, and in perfect security, being less exposed to an expanse of water, and no rapids to encounter.

From all the information I could collect, I think, if Government were to impose a moderate impost upon the first opening of the Canal, that vessels would be built calculated to go through the locks, to convey merchandize from Quebec to the Upper Lakes, without transshipping the cargo, ultimately the whole trade might be led into this channel, and reimburse the Government for the expense of the outlay, and it is probable might take a vast deal of trade from the American Canals, by carrying our manufactures to the Upper Provinces.

In going through the Rideau Canal, I was forcibly struck with the number of towns which had sprung up in a very short time, and with the fine forests of oak and other timber which had, by means of the Canal, become valuable, which before were useless.

The locks contain five feet water, being the same depth as the shoalest part of the Ottawa River.

Chas. Ogle.

Did the works appear to you to be constructed in a strong and durable manner ? — Admirably constructed, and compared with the Welland Canal, I was more struck with them.

That was undertaken by private individuals ? — Yes.

Do you consider the advantage of this communication by the Rideau, important in a commercial point of view at all times, in consequence of the rapids upon the St. Lawrence ; and in a military point of view, in time of war ? — Yes ; absolutely so. On the American side of St. Lawrence the population have increased from 12,000 I understand, to 20,000 since last war, which will offer much greater difficulties to that.

Do you consider the line of Canal to be much exposed to attack from America in time of war, or susceptible of being easily defended ? — It does appear to me that by a *coup de main* they might go over and blow up a lock.

The consequence of that would be destructive of the communication ? — It would ; you must repair that lock, we must provide against that by some hold opposite there.

Would not each lock of this Canal serve for conveying stores in time of war, would it not be necessary to defend each lock by some contiguous fortification ? — Not every lock ; I should have thought some certain spots.

How many such spots would there be ? — I suppose they might have two posts, so as to flank them.

By what treaty was Barnhart's Island given up to the United States ? — I do not exactly remember ; the treaty of Ghent, I believe ; so it is they have it, and the inhabitants increasing inadequately, it will be impossible we can carry merchandize and stores by the St. Lawrence.

Would it be possible to construct a Canal leading from one part of the St. Lawrence into another, from above to below Barnhart's Island, so as to be out of
gun

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gun shot from the shores of Barnhart's Island?—There was a question, but now this being nearly completed, I believe that has been given up; it was a question that was agitated at one period.

Will not a considerable portion of the downward trade from Kingston to Montreal still take the line of the St. Lawrence, even after the completion of the Rideau Canal?—I think for a considerable time, until they build vessels that go the whole way up the upper locks without unshipping any thing, for the Durham boats are small flat boats, not well calculated to navigate the Lake Ontario and Erie.

At how much per ton is the cost on the downward trade from Kingston to Montreal?—I cannot remember the sum, not being conversant with things of that kind.

Do you believe that the cost per ton of conveying goods down the Canal will be less by the River than by the Canal, after the completion of the Canal?—I believe it will be less by the Canal.

Speaking exclusively of the downward passage?—I conceive it would be less, considering that they would be obliged to tranship, using Durham boats.

Of course the great articles of export being goods of considerable bulk, the principal trade, the downward trade, is estimated, not by money but by tonnage?—Yes, I suspect it would, as soon as the Upper Provinces are settled. When I said that I thought that the expense of transport would be less in going through the Rideau Canal than down the St. Lawrence, I meant that it would be less when proper vessels should be built that will not only go through the Canal, but may be able to navigate the Upper Lakes, and bring down the produce of the upper country without transshipping it, as far as Montreal or Quebec, taking into consideration the certainty as to time and security of the voyage, together with the lesser charge of insurance; of course much must depend on the moderate toll imposed by Government when the Canals are finished.

Do you know what is the comparative cost of conveying a ton by the Durham boat down the river, as compared with the cost of getting it upwards?—I cannot speak as to the sum without referring to papers.

If the downward trade is by far the cheaper, what will the tonnage be, paying the costs of the Canal, if the principal trade is still to go in small boats or rafts down the river?—I do not know. One thing is evident, in the event of a war you could not go down the St. Lawrence at all, it amounts to a complete interruption of the navigation, therefore you could have no communication between the Provinces.

Jovis, 24^o die Martii, 1831.

Major General Sir *Alexander Bryce*, called in; and Examined.

Major Gen.
Sir *A. Bryce*.

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THESE are papers principally consisting of memoranda from you; do you see any objection to their being communicated to the Committee, and printed?—No; there is nothing of a military nature in them.

It appears the expenditure of the Rideau Canal, to the 30th of September last, was 516,000*l.*?—Yes.

Have you received later accounts than that?—That is the latest.

That sum comprises the money laid out, not the engagements that have been contracted which are not paid for, but money actually paid?—It does not; that is an account of money expended.

It appears that the sum remaining to be voted in 1831, on account of the Rideau Canal, agreeably to Colonel By's Estimate of 576,000*l.*, is 140,000*l.*; besides that sum, Colonel By seems to have reported an additional service to be required; namely, errors in his Estimate, 2,843*l.*, excess 30,000*l.*, and works not contemplated or proposed in Estimate, 83,714*l.*; would you be kind enough to give the Committee any explanation you can upon those sums which are an excess beyond the Estimate?—The errors of 2,843*l.* are merely stated by Colonel By and Colonel Durnford, without having entered into the particulars, therefore I cannot say any thing on that point; but I have sent back for an explanation. The excess in the Estimate is on the works already executed, and is reported to be 30,000*l.* I have no doubt, that one part of that excess has been owing to the failure of the dam at the Hog's Back, which probably might have occasioned an excess of 4,000*l.* or 5,000*l.* We are not in possession of the particulars of it, but as nearly as I can judge from the description of the damage incurred, I think it must have cost that to repair

repair it. The other parts of the excess of 30,000*l.* we are not acquainted with; but I do not think they are of large amount, in comparison with the work executed and the difficulty of forming an accurate Estimate in that country.

With regard to the works not contemplated or proposed in Estimate, they are 83,000*l.*?—A considerable part, perhaps half of that sum is owing to the necessity of constructing additional waste weirs, to guard against the effect of inundations in the spring, on the breaking up of the ice, which has been found greater than was apprehended at first; the remainder has not been satisfactorily explained, and Colonel By's Report has been sent back for further explanation.

Though you have sent it back for further explanation on those points, you do not expect any material reduction will be made?—No, I do not.

Besides the money that has been received on account, are you aware of the extent to which Colonel By has entered into bills with contractors, which have not been paid?—No, not particularly; but as he reports that the whole work will be finished in August next, I have every reason to suppose that every thing is contracted for.

And within the limits of the sum?—And within the limits of the sum of the largest Estimate, but with the exception that Colonel Durnford remarks, that after having gone over the line, he will not positively say that some small sum may not afterwards be required; he says, for some thousand pounds he would not tie himself down.

In this memorandum of yours, besides the sum of which you have been speaking, there is a sum of 69,230*l.* which you state to be for services not absolutely necessary for the Rideau, considered as a Water Communication; can you give the Committee some explanation as to that sum?—This consists of twenty-two block-houses at the principal stations to defend the dams and locks, and to serve also as lodgings for the lock-keepers, and the people of that description, who will be necessarily attendant on the locks. The expense of the twenty-two block-houses is calculated at 33,000*l.*, and land which must be taken in the neighbourhood is calculated at 20,000*l.*; that I think is a large calculation, but I am not in a situation at present to check it. There is an additional reservoir at By Town, which is meant also to serve for purposes of defence, and calculated at 8,000*l.*; and there are bridges of communication which we are obliged by the Colonial Legislature to erect, estimated at 8,230*l.*

Obliged to erect them under a Colonial Act?—Yes.

Called the Rideau Act?—Yes.

You go on to say, that though these works are not absolutely necessary for the Rideau, considered as a Water Communication, you look on them as consequent on the completion of this great work, and that they must be considered not only to be ultimately required, but as preliminary to other expenses similarly circumstanced; can you give the Committee any notion or estimate of what the further works to which you state these to be preliminary, consist?—I had principally in view the construction of a depôt at By Town, for the upper country; and though from the situation it will be very much out of the way of attack, it will be necessary to do something for security; some work of a permanent nature, as a keep, with additional field works or palisades will be found necessary for its security; I could not at present say what would be the expense of it, but I should hope it would not exceed 25,000*l.* or 30,000*l.*; I mean the military part of it.

Are these the matters you refer to in these expenses?—Yes, these are.

In point of fact, upon these works you have not received yet any separate reports which could enable you to come to a final judgment, and you say they are works which will require much consideration, are you therefore in a condition to put the Committee in possession of positive information on that subject?—Not with respect to the block-houses.

Or to the works to which you consider these block-houses preliminary?—Or to the works of defence for By Town, which is what I allude to; I think I can venture to say it would not exceed what has been stated, 25,000*l.* or 30,000*l.*

Beyond the 69,000*l.*?—Beyond the 69,000*l.*

As to the Canals on the Ottawa, for passing the rapids, as these works have been recently transferred to the Ordnance Department, are the Ordnance Department in possession of such Estimates in detail of these works, as to lead them to give to Parliament any confident expectation that the Estimates on this point will not be exceeded?—There is every reason to suppose that the Estimates which have been last reported will not be exceeded.

There is one of these works on which no Estimate has been received, the St. Anne's Rapids, on that point can you give the Committee any information?—No, except

28 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Major Gen.
Sir A. Bryce.

24 March,
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that a very vague Estimate was formed by Lieutenant Colonel Fanshaw, by looking over the ground; but I imagine it would exceed what he has stated, therefore it is better not to rely on it.

You are connected officially with the Ordnance department, are you not?—I am inspector general of fortifications.

Have the goodness to inform the Committee if it is the practice of that Board to correspond on the subject directly with the officers of the Ordnance department in the colonies, on the prosecution of those works?—Yes; with the commanding engineer, or with the local Board of Ordnance officers, as the occasion requires.

Do you give, in that case, instructions to the officers who are employed under the Ordnance in the colonies, to proceed with these works, either with reference to the sums voted by Parliament, or without reference to the limit of the sums voted in the year, or are they allowed to go on without any specific sum?—They are always limited to the sum voted in the year, in all ordinary cases.

You were understood to say, that as the work would be likely to be finished in August or September next, you thought contracts might have been entered into for the completion of the work?—That is necessary, in all cases where works are constructed by contract.

You are aware Parliament has not voted the sum necessary?—Yes.

By what authority have officers, who are employed under the Ordnance in the Canadas, entered into contracts to complete this work, Parliament not having voted, within so many hundred thousand pounds, the sum necessary for that purpose; do you know whether that is the usual course at the Ordnance Office, or if this is any deviation from the general practice?—This has been an uncommon case; not being an Ordnance work, it has not taken the regular Ordnance course.

You say this is not an Ordnance work; in what sense is this not an Ordnance work; have not the Ordnance had the superintendence of it?—Yes; but the finding of the money and the authority has emanated from the Colonial Office, not from the Master General and Board of Ordnance.

Do you think greater security would have been afforded to the public against an excess of Estimate, and against contracts being entered into beyond the amount voted in the year, if this work had been a work superintended by the Ordnance department, and exclusively an Ordnance work?—If after the Estimates had been formed and the money voted by Parliament, it had been transferred to the Ordnance, it would have been their business to have taken care that no more money was expended in the course of the year than was authorized by Parliament.

That is the practice of that department?—It is.

Are the Committee to understand that this work, having been conducted as it is, apparently partly by the Colonial department and partly by the Ordnance department, that that circumstance is to account for the excess of expenditure over the votes of Parliament?—No, not altogether that; but when the officer of Engineers was ordered to execute that work by contract, as far as possible, he was obliged to enter into contracts to have the work finished within a limited time; accordingly, and before he was aware that there would be any limitation to the annual expenditure most of the contracts were framed, therefore he had no means of stopping the contracts, but he protracted the execution one year; by the first contract they were obliged to execute the work in four years, but he afterwards was enabled to prevail on them to extend it to five years, for the purpose of adapting it more nearly to the Parliamentary grant; that was the utmost he was able to prevail on them to do.

How is the land valued in taking it for the necessary block-houses; and would not the land be valued higher as the country becomes more populous?—The Act of the Legislature prescribes the mode in which land is to be obtained; but in many cases Colonel By has been able, by private agreement, to get it on better terms than it could have been got by the provisions of the Act.

Then in fact you have reason to believe that contracts are absolutely entered into for the final completion of the work, or nearly so?—Certainly.

And that Government is in fact bound to fulfil those contracts?—I have no doubt.

Colonel *George Couper*, called in; and Examined.

Colonel
George Couper.

WHAT situation do you hold in the public department?—I am Secretary to the Master General of the Ordnance.

Were you Secretary to Sir James Kempt, when he was in command at Canada?—Military Secretary.

For

For what time?—From September 1828 until October 1830.

Would you be kind enough to give the Committee any information which you possess with regard to the works on the Rideau Canal?—As to what point?

Were you in correspondence with Colonel By, and if you were, can you give the Committee any information as to the mode in which, and the authority under which he drew money?—I was in correspondence with Lieut.-Colonel By, as the channel through which Sir James Kempt communicated his orders to Colonel Durnford, who is the commanding engineer in Canada, Colonel By being under his orders. The mode in which money is obtained for payment of the works carried on upon the Rideau Canal is this; an account is made out of the charges incurred under a contract, and the accuracy of that account is certified by the overseer of works and the clerk of works, and afterwards by the officer of the Engineers, under whose immediate superintendence the work has been performed. Colonel By then draws a bill on the Paymaster in favour of the party who has performed the work, and the Paymaster gives a draft on the Commissariat for the amount of that bill, and this draft on the Commissariat is countersigned by Colonel By. I had, however, no cognizance of those payments as military secretary.

Do you understand that Colonel By has an unlimited power to draw upon the Paymaster in Canada?—Not an unlimited power, because he cannot draw for any monies except such as are necessary to pay the accounts of works actually performed.

May he contract for works to any extent?—No, he cannot do so; but Colonel By when he first went out to Canada in 1826, in his zeal to forward the Canal, entered into agreements with people to carry on the works, upon which agreements contracts were afterwards formed by the Commissariat in 1827, and a portion of them are I believe in operation at this moment and not completed. Those agreements were considered very advantageous to the public.

What check, if any, existed upon Colonel By, so as to limit his power of contracting for works and drawing on the Paymaster?—An account of all disbursements by the Commissariat on account of the Rideau Canal, is sent home monthly by the head of that department to the Treasury, and every quarter the accounts are transmitted to the Surveyor General of the Ordnance by the Paymaster; the Paymaster also gives security to the Ordnance that he shall not do anything improper in the way of drawing money. Colonel By is a man of very considerable property himself, and is not likely to incur any improper expense.

But do you know from the situation you held in Canada, whether Colonel By felt himself at liberty to enter into contracts to any extent without reference to the sums voted in Parliament?—Certainly not; since 1828, Colonel By was strictly enjoined to enter into no contract except under the regulations prescribed by the Treasury and the Ordnance. They must be made by the Commissary General, and approved by the Commander of the Forces.

Before 1828, was he more at liberty in that respect?—A great portion of the contracts under which the works have been constructed, were made in 1827, and they were then approved by the Commander of the Forces, at the instance of Lieut.-Colonel By; they were entered into by the Commissariat, as I have before stated. The agreements under which those contracts were in many cases made, had been entered into by Lieut.-Colonel By with the parties direct, which he has been since prohibited from doing.

It appears, by a statement from the Ordnance Office, that up to September 1830, 516,799*l.* had been expended on this Rideau Canal; are you in possession of any later information than that?—I have a note from the office of the Surveyor General of the Ordnance, in which a further expenditure, from the 1st of October to the 31st of December, of 57,500*l.* is stated.

That is beyond the 516,799*l.*?—Yes.

That is the statement of the expenditure up to last year?—Yes.

Beyond that, are you aware of the amount of contracts into which he has entered?—No.

You do not know what money will be sufficient to satisfy the contracts entered into in Canada, for the completion of the works?—No; in 1827, when the original contracts were sent home, their probable amount was stated to be 213,000*l.*

Do you believe the contracts for work still remain to be satisfied?—I believe all the work that has been done has been regularly paid for.

Do you suppose there is any considerable arrear in the payment of the works?—The contractors are all very regularly paid as they finish their work.

Colonel
George Couper.

24 March,
1831.

Colonel
George Couper.

24 March,
1831.

Can you tell the Committee how far contracts which have been entered into are within the Estimate?—We know that Colonel By has always made his contracts so as not to exceed his Estimates; and on some occasions in which he has not been able to obtain contracts within the Estimates, the service has been performed under his own superintendence, with a view to limit the expense to the original Estimate.

The last Estimate of Colonel By is 576,000*l.*, and it appears that up to the 30th of September last, he had expended 516,000*l.*, and you now state that a further expense, up to the 31st of December, was 57,500*l.* which, in point of fact, within a small sum, is the whole amount of the last Estimate sent by Colonel By?—The last Estimate sent by Colonel By exceeds 693,000*l.*

The last Estimate on which Parliament voted a sum of money, was 576,000*l.*; that sum would appear to have been exhausted at the expiration of the last year, within a few pounds?—Within about 2,500*l.* I think.

What the Committee would wish to know is, whether the Ordnance department are in possession of any information that would lead them to ascertain at all what extent of expense still remains unsatisfied?—Why, as respects the Parliamentary grants, the expense remaining unsatisfied would be the difference between those grants and the sum actually drawn from the Commissariat. The works executed are all paid for by the Commissariat.

What expense remains still to be incurred?—Six hundred and ninety-three thousand pounds is the amount of the last Estimate, and 620,000*l.* will be probably expended by 31st March; the difference, about 73,000*l.* will be the expenditure still to be incurred upon that Estimate.

What the Committee wish to know is, what sum Parliament is still likely to be called upon to vote?—The sum Parliament is called on to vote, is the difference between 436,000*l.* already voted, and 693,000*l.* the amount of the Estimate, or about 257,000*l.*

You estimate the whole at that?—That is the last Estimate Colonel By sent in, exclusive of the 69,000*l.* for block-houses, land, &c.

That is for the Rideau Canal alone?—Yes.

But besides those expenses, of which Colonel By has sent an Estimate, as regards the Rideau Canal, there appear to be further expenses upon which Sir Alexander Bryce has given the Committee some information, arrears in the Estimate and excesses of the Estimate on works not originally proposed, amounting to 116,000*l.* that is beyond the 693,000*l.*?—No, that is included in the 693,000*l.*; the other sum of 69,000*l.* is not included in the 693,000*l.*

The 116,000*l.* is included?—Yes, that is errors 2,843*l.*; excess, 30,134*l.*; and the works not contemplated or foreseen, 83,714*l.*

Do you know whether, when this work was first undertaken on the Rideau Canal, any steps were taken to buy land on terms as cheap as possible?—When Colonel By was sent out, the measures to purchase land on the best terms were immediately adopted, but of course persons who had land on the Canal withheld their sales in many instances, in the hope of the value of the land being enhanced as the Canal proceeded, and many efforts have been made by the proprietors, to impose on Government, which have been resisted very effectually by Colonel By.

In point of fact, are you aware whether all the land likely to be required has been purchased?—No, it has not; in the 69,000*l.* there is a sum of 20,000*l.* taken for land. I understood a question was asked by the Committee of Colonel Fanshaw, as to the expense of transport from Quebec to Kingston, during last war; by a memorandum in my possession, it appears that 56*s.* per hundred weight was charged for the conveyance of guns and other heavy stores from Quebec to Kingston; and anchors were charged at a still higher rate.

That is independently of lockage?—That is stated as the general expense of guns and heavy stores.

The locks belong to Government do they not?—Yes, but then lockage would only make a difference of 2*l.* 10*s.* for a Durham boat in passing through all the locks up and down; those Durham boats measure about 40 tons.

Are contracts made by Colonel By for the completion of the Canal?—No; contracts are made by Colonel By.

Are any in existence for the completion of it?—Yes; as the work is so nearly completed, the contracts must be generally entered into.

For block-houses?—No; Colonel By has stated that he thinks the Canal will be finished in August; Government might indemnify itself to a great extent from the expense they have incurred, by disposing of the Canal when in full operation, in shares,

shares, and reserving the right of its free navigation for the public service; I think it might be so disposed of to a considerable extent.

Can you give the Committee any information as to what would be the probable expense of the work in St. Anne's, of which no Estimate has been received?—No, none whatever. The rocky soil through which the St. Anne's Canal would lead, is particularly hard, it is extremely difficult to blast it; it is the most impracticable soil they have had to deal with in that country; but the grand channel of backwater communication will be behind the island of Montreal.

In point of fact, the contracts being made for the completion of this work, or nearly so, no money would be saved to Government by a suspension of the Work, even if such a thing was thought of?—My own idea is, that not more than 70,000 *l.* or 80,000 *l.* remains to be expended at this moment of the Estimate of 693,000 *l.* The expenditure for the March quarter of 1830 was 45,000 *l.* and if a similar sum has been expended in the present quarter, and that be added to the expenditure I have stated, not more than that sum will remain I believe.

And the expense not more than 575,000 *l.*?—Six hundred and ninety-three thousand pounds. It is too late to stop it now.

The Right Honourable *Robert Wilmot Horton*; called in, and Examined.

WHEN did you first come into office as Under Secretary of State?—In the beginning of 1822.

Can you explain the reason of there being no communication apparently from the Colonial Office, between August 1819 and the 10th of September 1823, upon the subject of the Canals in Canada?—I cannot give any explanation on that point without reference. During two of those years I was not Under Secretary of State.

In a memorandum from Major General Sir James Carmichael Smyth to General Mann, dated the 14th of March 1826, there is a note by the Board of Ordnance, saying, that as the measure has to a certain extent been agreed to by Parliament, there is no objection to proceed with the work, without waiting each year for the notification of the Building Grant, and that that point is referred to Lord Bathurst, who was then Secretary of State. Would you be good enough to tell the Committee to what extent you apprehend Parliament had then agreed to the work?—The date of this Minute, on the part of the Board of Ordnance, is the 14th of March, and the Colonial Estimates were moved that year on the 17th of March, and I find no record of the discussion that took place on that occasion beyond what is to be found in this very meagre report in the Parliamentary Debates, which says, that in the course of some observations that fell from me, I observed, as for the Canals of Canada there was a sum of 10,000 *l.* for one, and 5,000 *l.* for another. This Canal had been examined by the Commissioners, who reported them to be most useful. This would be readily believed, seeing they formed a Water Communication between Upper and Lower Canada.

At that time 5,000 *l.* only was taken for the Canal?—At that time a vote for 5,000 *l.* only was taken for the Rideau Canal. The Colonial Department had received from the Ordnance an Estimate of 169,000 *l.* It was the peculiar duty of the Ordnance to report on that Estimate, which was to be executed by their own officers. The Colonial Department had ascertained that the Civil Engineer, Mr. Clowes, on whose Estimate, as communicated and commented upon by Sir James Carmichael Smyth, the expense had been mainly calculated, was a person considered by the Provincial Legislature of Upper Canada as highly competent to draw up such an Estimate. When I received the Estimates in 1826, I stated generally what the expense of this Canal would be.

Your impression is, that you stated what the expense would be?—Yes, most decidedly, I must have stated it. It is evident that the 5,000 *l.* would have been utterly useless and thrown away, if it had not been understood that Parliament had agreed to the principle of the undertaking. The phrase in my letter to Mr. Griffin, p. 39, is, "Lord Bathurst is of opinion, that it would be proper to authorize the contractor to commence as early in the season as circumstances will permit, without waiting for the passing of the annual grant." It appears to me, that that direction refers clearly to the ensuing year, and not to the current year.

Is it usual, in the Colonial Office, to give authority to any officers employed in a work of this description abroad to draw for money, without the distinct authority of the Treasury or Parliament?—It will be observed that the Board of Ordnance

Colonel
George Couper.

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in this instance had stated an opinion, that it was desirable to proceed by contract, and it is impossible to proceed by contract upon a vote of Parliament, unless you were to take a vote for the whole sum in the first instance. Although there might have been some irregularity in the proceeding, it will at once be perceived that it is impossible to enter into a contract, limiting the pledge to the contractor to the sum voted for the current year. No contract could be formed on such a principle. In such a case, therefore, the only mode ought to be to take a vote for the whole expense, spreading the payment over the period. I wish distinctly to say, you cannot execute a work by contract, if you are merely to limit the expenditure to the proportions which each separate year may afford for the purpose.

It appears in this despatch, written by Lord Bathurst's instruction, that no limit is put on the contract into which Colonel By might feel himself at liberty to enter?—I would remind the Committee that this had distinct relation to an Estimate prepared by a civil engineer, and sanctioned by an officer of the Ordnance, therefore the contracts alluded to must be contracts founded on that Estimate; undoubtedly, Colonel By might have exercised a discretion, and finding that the original Estimate could not be acted upon, or rather could not be kept within, he might have considered that it was only a conditional instruction, having reference to a particular Estimate. I would beg also to call the attention of the Committee, in illustration of the practice of the department, to what was done by a person so conversant with public business as Mr. Huskisson. If the Committee will refer to Mr. Huskisson's letter of the 26th of March 1828, in page 52, he says, "That though he cannot but regret that Lieut.-Colonel By should have felt himself at liberty, before his increased Estimates had been considered and approved by the Board of Ordnance, to conclude contracts for carrying on the work on the present very extensive scale, and have entered into engagements involving so large an expenditure of the public money, without waiting for specific authority from the department at home, yet so many reasons appeared to combine in favour of the plan of Water Communication, which he had recommended, that he was not disposed to withhold the sanction of the Government to the prosecution of the work on the scale recommended by him, provided the Commission to be employed in the investigation of this subject should, after careful survey and examination, concur in the expediency of the measures proposed, and in the steps which have been taken by Lieut.-Colonel By for the furtherance of this great work." If the Committee refer to another part of the same letter, they will perceive that Mr. Huskisson states that he does not propose to apply to Parliament that year for a larger sum, in the whole, than 120,000*l.*; though, from the context of the sentence, it appears that a larger sum might be necessary to be expended.

In point of fact, did not Colonel By go out under a general authority to enter into contracts on the faith of the Estimate of 169,000 *l.* and when upon examination on the spot, he found that that Estimate was not nearly sufficient for the purpose of the work, did he not feel himself at liberty under the original instructions from the Colonial Office, to enter into contracts on an extended scale of expense?—Colonel By had received no instructions whatever from the Colonial Office.

Did he not receive instructions founded on the letter of the 18th of April 1826, written by Lord Bathurst's direction?—Colonel By is the servant of the Ordnance department. The Ordnance apply to the Secretary of State for authority to proceed. The responsibility of the Estimate rested on them, because it was their business to examine into it. In reference to their Minute, Lord Bathurst, whose authority is asked, expresses his concurrence; that is, as the Committee will observe, he gives his authority that the Ordnance are to instruct Colonel By to carry into effect their directions.

Do you conceive then, that Colonel By, in entering into contracts to accomplish the work on a very extended Estimate beyond that of the provincial surveyors, acted without any authority whatever?—I beg to say, I offer no opinion on that point. I merely state the fact in a very positive manner, that the Colonial department at the time my letter was written, had no reason to suppose that the Estimate would exceed 169,000 *l.* I would also beg to add, in reference to the authority of Mr. Huskisson, that it appears from his letter of the 14th of March 1828, page 50, that Colonel By had given an opinion that great advantage would result from enlarging the locks of the Rideau Canal, Mr. Huskisson says, he agrees with Colonel By in that opinion, and that if the Committee of Engineers should concur in the opinion of Colonel By, that this important object can be effected at an additional expense of 50,000 *l.* with a further charge of 3,000 *l.* for widening the locks, it will be advisable to leave it to their

their discretion to authorize Colonel By to proceed with the construction of the locks.

The Rt. Hon.
Robert W. Horton.

There is a limit to increased dimensions?—I only wish to point out the manner in which the public service is directed to be executed, when the principle of expenditure is agreed upon. The error was in the first Estimate.

24 March,
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When the Colonial Office received an Estimate for a Canal 150 miles long, through a hitherto unexplored country, and with the works of such magnitude contemplated, did it strike them as at all probable that the work could be completed for such a sum; and how did it happen that they felt themselves justified in calling on Parliament to vote money on the faith of such an Estimate?—The Canal in question was not a canal in the sense ordinarily attached to that word; but a connection of natural watercourses existing between the two points merely requiring levels to carry on one communication throughout this natural line; therefore the analogy of a canal would present no very satisfactory data on the subject. The Ordnance department having communicated to the Colonial department an Estimate drawn up by an officer of acknowledged talent and ability, specially selected by them to report on the subject, and that officer having added to the Estimate of the Civil Engineer a sum which brought up the whole to 169,000*l.* the Colonial Department considered that a sufficient authority to direct that the work should be proceeded with, and instructions were accordingly given.

Are you aware, that in the early communications on the subject of this Water Communication, as far as the Ottawa is concerned, the Duke of Richmond, and other persons in authority in Canada, had led Government at home to expect that the Colonial Legislature would bear a part of the expense, and that the Treasury only agreed to undertake the work on the distinct understanding that half the expense would be paid by the Colonies?—I am only aware of that circumstance from recollection; it took place before I was in office.

In the year 1819, the understanding was, that the Provincial Legislature were to defray half the expense; and in 1823, without the explanation having been communicated to Parliament, it seems to have been felt by the Government that the whole expense of the Water Communication on the Ottawa was to be defrayed by the Government at home; are you aware upon what ground Government altered their opinion?—With respect to the Minute of 1819, being long before I was in office, I know nothing officially on the subject. I believe that the change of intention alluded to was founded upon a conviction that the Assembly of Lower Canada would not consent to bear their share of the expense, and, notwithstanding their refusal, it was deemed expedient for the public interest that the work should be done, though undertaken exclusively by this country.

You are aware that a Bill has passed two readings in the Colonial Legislature, granting a considerable sum of money from the Provinces for those works, on conditions?—I am aware of that fact.

R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO TAKE INTO CONSIDERATION

THE ACCOUNTS AND PAPERS

RELATING TO

THE RIDEAU CANAL.

*Ordered, by The House of Commons, to be Printed,
22 April 1831.*

CANADA COMPANY.

RETURN to an Address to HIS MAJESTY, dated 23d December 1830;—for,

- No. 1.—AN ACCOUNT of all MONIES paid and payable by the CANADA COMPANY under the existing CONTRACTS for the SALE to them of Part of the CROWN RESERVES, and other LANDS in *Upper Canada*.
- No. 2.—AN ACCOUNT of the Disposal of all SUMS hitherto received on account of the said Contracts; also, of all Appropriations already made, if any, of Monies to be hereafter received under these Contracts or Agreements; specifying, in detail, the different Grants, for what Purposes made, and the Authority by which the same have been made.
- No. 3.—A SEPARATE ACCOUNT of the SUM which would have been payable by the CANADA COMPANY (in addition to the Amounts contained in Account No. 1.) for the CLERGY RESERVES, originally sold to and subsequently taken back from them, according to the Valuation made by the Commissioners.
- No. 4.—AN ACCOUNT of all other SALES made of the CLERGY RESERVES, to the latest Period to which the same can be made up; stating the Gross Amount of such Sales, the Net Money actually received, and how the same has been disposed of.
- No. 5.—AN ACCOUNT of all GRANTS of LAND to Trustees or other Officers appointed by Charter for the Maintenance and Establishment of any College or Seminary for Education in *Upper Canada*, with any Valuation or Estimate that may have been made of the same.

Colonial Department, }
 Downing-street, }
 24 February 1831. }

Ordered, by The House of Commons, to be Printed,
10 March 1831.

ACCOUNTS RELATING TO

No. 1.

AN ACCOUNT of all MONIES paid and payable by the CANADA COMPANY under the existing CONTRACTS for the SALE to them of Part of the CROWN RESERVES, and other LANDS in *Upper Canada*.

THE Canada Company were allowed sixteen years from the 1st of July 1826 to complete their contract with His Majesty's Government. The Company were to pay in the year ending the 1st of July

1827	-	-	-	-	-	-	20,000
1828	-	-	-	-	-	-	15,000
1829	-	-	-	-	-	-	15,000
1830	-	-	-	-	-	-	15,000
1831	-	-	-	-	-	-	16,000
1832	-	-	-	-	-	-	17,000
1833	-	-	-	-	-	-	18,000
1834	-	-	-	-	-	-	19,000
1835	-	-	-	-	-	-	20,000

And in each of the seven succeeding years the like sum of £. 20,000.
These sums have been received by the Receiver General of the Province, by half-yearly instalments, up to the present time, according to the terms of the agreement.

No. 2.

AN ACCOUNT of the Disposal of all SUMS hitherto received on account of the Contracts with the CANADA COMPANY ; also, of all Appropriations already made, if any, of Monies to be hereafter received under these Contracts or Agreements; specifying, in detail, the different Grants, for what Purposes made, and the Authority by which the same have been made.

EXPENSES of the Commission :	£.	s.	d.
To Colonel Cockburn, the Commissioner on the part of His Majesty's Government, for expenses preparatory to his departure for Canada	350	-	-
To Colonel Cockburn, being half of the expense of the Commission to Canada	4,473	-	-
To Colonel Cockburn, for expenses of Commission after its return	1,380	-	-
To Mr. Solicitor-General Boulton	100	-	-
To Sir Giffin Wilson, for his arbitration	262	10	-
To Dr. Strachan, for his expenses during the reference	300	-	-
Annual Salaries :			
For the Salaries of the Civil Establishment of Upper Canada, formerly paid by Parliamentary Vote	8,500	-	-
For the Building of the College	1,000	-	-
For Salary to the Roman Catholic Bishop	400	-	-
For Annual Provision for the Roman Catholic Priests	750	-	-
For ditto for Presbyterian Ministers in connection with Church of Scotland	750	-	-
For Pension to Colonel Talbot, for his exertions in superintending the Settlement of the London and Western Districts	400	-	-
Annual Compensation in lieu of Fees to Officers of Land-Granting Department, payable for seven years	2,566	3	8
To Master of the Grammar School at Kingston	200	-	-
	£.	21,431	13 8
Annual Appropriation	£.	14,566	3 8
Annual Payments		15,000	- -
Leaving a Surplus at the disposal of His Majesty's Government of	£.	433	16 4

No. 3.

AN ACCOUNT of the Sum which would have been payable by the CANADA COMPANY (in addition to the Amounts contained in Account No. 1.) for the CLERGY RESERVES, originally sold to and subsequently taken back from them, according to the Valuation made by the Commissioners.

THE Sum which would have been payable for the Clergy Reserves originally sold to the Canada Company, computed at 829,430 acres, would have amounted, at the rate of 3s. 6d. per acre, to £. 145,150. 5s. currency. This sum would have formed part of the payments to be made by the Company, as specified in the Account No. 1.; and these payments are now made for the Huron Tract, computed at 1,100,000 acres, and substituted for the Clergy Reserves.

No. 4.

AN ACCOUNT of all other SALES made of the CLERGY RESERVES in *Upper Canada*, to the latest Period to which the same can be made up; stating the Gross Amount of such Sales, the Net Money actually received, and how the same has been disposed of.

BY the last Returns, it appears that the Commissioner of Crown Lands has sold 13,179 acres of Clergy Reserves in *Upper Canada* for the gross sum of £.9,774. currency, payable by ten annual instalments, with interest. The sums so received for the sale of the Clergy Reserves are directed by the Act of 7 & 8 Geo. IV. c. 62. to be invested in the Funds of Great Britain.

No. 5.

DESPATCH from Sir *John Colborne*, K. C. B. to Sir *George Murray*, G. C. B. &c. &c. &c.

SIR,

Upper Canada, York, 29th September 1830.

I HAVE the honour to transmit to you the annexed Statement of Grants of Land made to Trustees appointed by Charter for the maintenance and establishment of King's College in this Province, as required by your Despatch of the 14th June to be forwarded to you, in compliance with an Address of the House of Commons to His Majesty.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed) *J. Colborne.*

EXTRACTS from the Minutes of a Meeting of the COUNCIL of the UNIVERSITY of KING'S COLLEGE, Upper Canada, held in the Council-Chamber, September 28th, 1830.

THE College Council having before them a Communication from His Excellency Sir John Colborne, K.C.B., enclosing a Despatch from Sir George Murray, one of His Majesty's Principal Secretaries of State, with the copy of an Address of the House of Commons to His Majesty, praying, "That He will be pleased to give directions that there be laid before the House an Account of all Grants of Land to Trustees or other Officers appointed by Charter for the maintenance and establishment of any College or Seminary for education in Upper Canada, with any Valuation or Estimate that may have been made of the same," have the honour to report, That the Charter for the establishment of King's College within the Province of Upper Canada in North America, with all the powers and privileges of a University, was granted by his late Majesty King George the Fourth, in March 1827, and was soon after transmitted to His Excellency Sir Peregrine Maitland, then Lieutenant Governor of the Colony, by Lord Bathurst, one of His Majesty's Principal Secretaries of State.

That in virtue of the provisions of the Charter, seven members were named by Sir Peregrine Maitland, who, together with the Chancellor and President, compose the College Council; a Registrar and Bursar were also appointed, and the institution regularly organized.

That a grant was given by his late Majesty towards erecting the necessary buildings, of 1,000*l.* sterling per annum, to continue sixteen years from the 1st of January 1828, of which two years have been paid.

That a grant of 225,944 acres of the Crown Reserves, the greater part of which are occupied and under lease, was given to the Corporation for the support of the University.

That the probable rental arising from the leased lands, at the time they were transferred to the College, may be estimated at less than 1,000*l.* per annum.

That the College Council have agreed to sell their possessions, at a fair valuation, to such of the tenants as prefer the fee-simple to leases, with the view of investing the money and confining the expenditure of the University to the growing interest.

Of this revenue, no correct estimate can at present be formed.

That the lands belonging to the University have been considered by some as worth nearly 100,000*l.*; but it will be long before they yield a revenue equal to the interest of that sum. At the same time the endowment may be justly deemed magnificent, and will with good management grow in value with the country, and as the institution requires to be extended.

King's College Council-Chamber,
York, 29th September 1830. }

(signed) *Jos. Wells,*
Bursar of K. College, and Acting Secretary
in the absence of the Registrar.

Colonial Department, Downing-street,
23d February 1831. }

R. W. Hay.

CANADA COMPANY.

ACCOUNTS of all MONIES paid and payable by the CANADA COMPANY under the existing CONTRACTS for the SALE to them of Part of the Crown RESERVES and other LANDS in *Upper Canada*; of the Disposal of all SUMS hitherto received on account of the said CONTRACTS; of the SUM which would have been payable by the Company for the CROWN RESERVES originally sold to and subsequently taken back from them; of all other SALES made of the CROWN RESERVES, to the latest Period to which the same can be made up; and, of all GRANTS of LAND for the Maintenance and Establishment of any COLLEGE or SEMINARY for Education in *Upper Canada*.

*Ordered, by the House of Commons, to be Printed,
10 March 1831.*

CANADA CANAL COMMUNICATION.

RETURN to an Address to HIS MAJESTY, dated 4 February 1831;—*for*,

COPIES OF THE CORRESPONDENCE

BETWEEN

THE TREASURY, THE SECRETARY OF STATE FOR THE COLONIES,

AND THE ORDNANCE,

ON

THE CANAL COMMUNICATION IN CANADA.

Whitehall, Treasury Chambers, }
10 February 1831.

T. SPRING RICE.

Ordered, by The House of Commons, to be Printed,
10 February 1831.

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CANADA, CANAL COMMUNICATION.

CORRESPONDENCE relative to the CANAL COMMUNICATION
in *Canada*.

No. 1.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing Street, 26th June 1817.

I AM directed by Earl Bathurst to transmit to you the copy of a letter from Lieutenant General Sir John Sherbrooke, dated the 1st of April last, stating the necessity of sending out a competent civil engineer, to superintend the execution of the proposed Canal between Montreal and La Chine, and I am to request you will lay the same before the Lords Commissioners of the Treasury, and acquaint their Lordships, that as there appears every reason to believe that the remaining sums necessary for the completion of this most important work will be either voted by the Colonial Assembly, or subscribed in the province by private individuals, Lord Bathurst thinks it advisable that it should be carried on in a manner to ensure the public advantages which cannot fail to result from its proper execution, and therefore earnestly recommends to their Lordships that they will be pleased to authorize the expense of sending out a competent civil engineer, to superintend the undertaking during such a period as may be necessary to ensure its successful progress.

Correspondence
relative to the
Canal Communi-
cation in Canada.

I am, &c. &c.

(signed) *Henry Goulburn.*

No. 2.—LETTER from Lieutenant General Sir *John Sherbrooke* to the
Right Hon. Earl *Bathurst*, &c. &c. &c.

MY LORD,

Quebec, 1st April 1817.

UPON the receipt of your Lordship's Despatch, No. 54, of the 7th of December, with its inclosure, I lost no time, in obtaining all the information in my power on the subject of Lieutenant Considine's Plan for the better navigation of the St. Lawrence between Montreal and La Chine, the result of which is, that in the opinion of the most competent judges, the water-wheels proposed by Mr. Considine could not, with any chance of success, be applied in that part of the river, particularly on account of the rise and fall of the water, and the variation of the course which must be taken by boats in consequence.

The immense bodies of ice occasionally floating down the river present also a most formidable obstacle to the plan.

I transmit to your Lordship a copy of a Report made hereupon by Captain Ronilly, an officer of experience in the Royal Engineers stationed at Montreal, to whom, by my desire, the commanding royal engineer forwarded Mr. Considine's proposal.

With respect to the proposed Canal between Montreal and La Chine, which I cannot but consider as highly important and desirable, I avail myself of this opportunity of mentioning, that provided a civil engineer is sent out from England to superintend its execution, without which indeed it would be impracticable to engage in it, I have little doubt, should you wish it, that the House of Assembly of Lower Canada would, in their next session, vote a further sum, in addition to the £. 25,000. already appropriated by them in aid of this service.

No. 3.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Or should your Lordship wish to relinquish altogether the execution hereof at the expense of Government, I am inclined to believe (so much are the people here convinced of its utility) that the work might be accomplished by subscription for shares amongst individuals.

On this subject I shall be glad to be honoured with your Lordship's commands ; but I beg leave to impress upon your attention, that whichever mode shall be adopted, the assistance of the civil engineer will be equally and absolutely indispensable. Sir George Prevost and Sir Gordon Drummond, having already represented this point, of the necessity of which no doubt can be entertained, the House of Assembly consider a pledge to have been made to them by my predecessors, that such assistance would be afforded to the undertaking.

I have the honour, &c. &c.

(signed) *J. C. Sherbrooke.*

No. 3.—LETTER from Captain *Romilly* to Major *Henderson*, &c. &c. &c.

SIR,

Royal Engineer's Office, Montreal, 21st March 1817.

I HEREWITH return the copies of Lord Bathurst's letter, and Mr. Considine's proposal for drawing boats up the rapids of the St. Lawrence River, between La Chine and Montreal, by machinery worked by water-wheels. The theory is certainly very good—any power may be obtained from such wheels, turned by so strong a current. But the difficulties to be overcome appear to me so great, that I doubt whether the project can be put into execution. The first is certainly the rise and fall of the water in wet and dry seasons, at least ten feet ; the course of the boats running at one time close to the banks, and in the summer fifty yards further into the river ; there are also a number of rocks and shoals which must be removed and cut away, to gain sufficient depth of water. I do not see how the posts to support the chain or rope can be secured, so as to resist the floating ice, which comes down the river with great force on the breaking up of the frost ; to preserve the wheels from this will be difficult and require strong and expensive piers. With regard to the number and particular points where the water-wheels should be situated, a correct survey must be made of the river, and the soundings carefully marked, it is impossible now to give an opinion on this head, from the river being frozen up.

I have no hesitation in allowing this project might be usefully applied in some places where the distance is short, but do not think it will allow of a moment's comparison in point of utility, with a canal.

I have the honour, &c. &c.

(signed) *Samuel Romilly,*
Captain Royal Engineers.

No. 4.—TREASURY MINUTE relative to the proposed Canal between
Montreal and La Chine.

Copy of Treasury Minute, dated 4th July 1817.

READ Letter from Mr. Goulburn, dated 26th ultimo, transmitting, by direction of Earl Bathurst, the copy of a letter from Lieutenant General Sir John Sherbrooke, stating the necessity of sending out a competent civil engineer to superintend the execution of the proposed Canal between Montreal and La Chine ; and stating, that as there appears every reason to believe that the remaining sums necessary for the completion of this most important work, will be either voted by the Colonial Assembly, or subscribed in the Province by private individuals, Lord Bathurst thinks it advisable that it should be carried on in a manner to ensure the public advantages which cannot fail to result from its proper execution, and therefore earnestly recommends to their Lordships, that they will be pleased to authorize the

CANAL COMMUNICATION IN CANADA.

7

the expense of sending out a competent civil engineer to superintend the undertaking, during such a period as may be necessary to ensure its successful progress.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Acquaint Mr. Goulburn, for the information of Earl Bathurst, that under the circumstances stated, My Lords are pleased to sanction the expense which will necessarily be incurred by a civil engineer being sent from this country to superintend the works in question.

No. 5.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

20th November 1817.

I AM directed by Lord Bathurst to transmit to you, for the information of the Lords Commissioners of the Treasury, a despatch which has been received from Lieutenant General Sir J. Sherbrooke relative to the expense of making a Canal from Upper La Chine to Montreal in Canada.

No. 6, 5 Sept. 1817.

In submitting the Report and Estimates inclosed in that despatch to the consideration of their Lordships, Lord Bathurst is anxious that you would call their particular attention to the extreme importance which has been attached, by the most competent judges, to the opening of such a communication. Their Lordships are fully aware, from the reports long since transmitted to them, that in the event of war with the United States the safety of the Canadas must depend mainly upon the measures which may have been previously taken to facilitate the communication and the means of conveyance between the different extremities of those provinces; and as the object of the proposed Canal is to obviate the difficulties which at present attend a navigation up that part of the Saint Lawrence near Montreal, Lord Bathurst cannot but consider it as a work of the most urgent necessity. It is on these considerations that his Lordship, although fully sensible of the difficulty of providing funds for such an undertaking, cannot nevertheless avoid recommending it to the consideration of their Lordships, and submitting to them, that in the event of their consenting to defray half the expense of the work, he entertains little doubt but that the Colony, which has already appropriated £.25,000 currency to the undertaking, would willingly defray the remaining expense. His Lordship too cannot but consider it important, by commencing such an undertaking, to afford means of support to those numerous emigrants who have lately proceeded from the United Kingdom to Canada, and who, in the event of not being employed, must either be thrown a burden upon the government, or be left in a state of absolute want and misery.

Nos 7 & 8.

I am, &c. &c.

(signed) *Henry Goulburn.*

No. 6.—LETTER from Lieutenant General *Sir J. Sherbrooke* to the
Right Hon. *Earl Bathurst*, &c. &c. &c.

MY LORD,

Quebec, 5th September 1817.

IN obedience to your Lordship's commands, expressed in your letter of 10th October 1815, addressed to Sir Gordon Drummond, I have the honour to transmit herewith a report and estimate of a Canal from Upper La Chine to Montreal, which have been prepared by Captain Romilly of the Royal Engineers, whom your Lordship is aware was directed to undertake the survey for this purpose.

Nos 7 & 8.

I have the honour, &c. &c.

(signed) *J. C. Sherbrooke.*

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 7.—REPORT on the proposed CANAL between *Montreal* and *La Chine*;
by Captain *S. Romilly*.

Montreal, 1817.

THE course of the St. Lawrence from La Chine to Montreal forms a considerable curve. The navigation is very difficult, owing to the rapidity of the water and the shallowness of particular parts.

The current is strong from some distance above La Chine. The first rapid commences near the windmill, on the high point of land between the upper and lower village, and extends to the government dépôt. It is so rough that the boats take a long time to haul up it. From hence to the mill the water is smooth, but with a strong current.

At the mill, Sault St. Louis commences, which is extremely rough: a lock has been constructed here, but it does not admit large boats. The rapid extends to about a mile below the mill. There are a number of large beds of rock, which render the navigation very difficult during the dry seasons. The boats generally pass up unloaded, and take in their cargo at Upper La Chine; after this to Montreal the water is smooth and swift, with the same inconveniences of rocks and shallows.

A strong current, called St. Mary's, extends to two miles below the town, at the foot of which vessels are detained, frequently for weeks, till they get a strong mough wind sufficient to enable them to stem the current.

To obviate these difficulties it would be highly desirable to cut a Canal from St. Mary's to Upper La Chine, which line would be the chord to the curve the river forms. The distance is from ten to eleven miles.

A ravine runs the whole distance between the Upper and Lower La Chine roads, separating the town and the St. Lawrence suburb.

A small stream, called the Little River, flows through the ravine and empties itself into the St. Lawrence at the St. Antoine suburb. Another rivulet takes its source from the woods near St. Mary's in a favourable direction to the St. Lawrence, but with a contrary course. It joins the Little River in the above suburb.

The bottom of the ravine, a low ground, is for the most part a swamp, and covered with underwood. Below Côte St. Pierre the Little River forms what is called the Little Lake, which is covered with clusters of trees close together: the Canal must run through part of this, as near the edge as possible, and must be formed with piles of cedar. When within a mile of the proposed head of the Canal the soil begins to be very rocky. The Canal will cross the turnpike road at the Tanning Village (after following the low ground) and pass in rear of the town to the brick house used as a navy store. The land rises all the way from Montreal, and the bank will have to be cut into fifty feet; but it appears the best place for the Canal to end at, as it is at the bottom of the worst part of the current, and the water is so deep that large vessels can lay close to the shore, which is not the case at the Rivulet Michon, three quarters of a mile lower down the river, where there is a bar which would prevent ships coming near the Canal if it ended there.

The most serious obstacle to be contended with here is the floating ice. When the river breaks up in the spring it sometimes rises to near the top of the bank, and would carry away any pier that could be run out into the river. The only method would be, to construct a low one first sufficiently high to bring in the boats in the driest season, so that when the water rises, the whole of the floating ice would pass above the walls of the Canal; the sides of the bank of the river must be piled, to prevent their being cut into by the ice.

The head of the Canal to be at Ellis's, in Upper La Chine; the greatest rise of the water is six feet, and in the summer, when the water is at the lowest, there are some rocks which must be blasted. The first lock at this point to be sufficiently high to allow for the difference between the depth of the water in summer and spring, as the soil is very rocky all along the side of the river; the Canal to be for one boat only till the rock is past, after which it will be desirable that it should be large enough for two. The second lock will be below Côte St. Pierre; the fall is 4. 8. a third between the Tanning Village and the St. Antoine suburb.

Two more will be required for the branch which passes through the Hay Market, by the Little River into the St. Lawrence.

The part of the Canal from the back of the town to St. Mary's, will be expensive, as the ground rises all the way, and the bank is very high. But it is absolutely necessary

on

on account of the great delay and difficulty the ships experience in overcoming the current.

Correspondence
relative to the
Canal Communi-
cation in Canada.

The Canal should be constructed for the largest Durham boats, which are 60 feet long, and from 11 to 13 ft. 6 in. broad; they draw 2 ft. 6 in., and carry 10 ton. To allow these to pass with facility, the single part should be 16 feet at bottom, the sides to slope in the proportion of 3 to 5 feet base; the double to be 30 feet at the bottom, carrying 3 feet depth of water, which gives 40 feet at the surface. The part through the Little Lake, and the worst places of the swamp, to be formed with cedar pickets, eleven or twelve feet long, and driven down at a slope of $\frac{1}{2}$ fastened together at top by a square ribband.

That part which crosses the town by the Hay Market must be built of masonry, to take up as little of the interval between the houses as possible; and, as at the point of separation the ground is low, a bason can easily be excavated to contain any number of boats, which would be of great advantage to them in loading, and furnish water for the locks.

Along the line of the Canal there are several springs, which will amply compensate for evaporation, &c.

The greatest objection to the Canal is, that it will cease to be navigable some time before the river does, owing to the water being stagnant, which will freeze immediately, though the St. Lawrence will remain open some weeks later on account of the rapidity with which it flows.

(signed) *Sam^r Romilly,*
Capt. Royal Engineers.

No. 8.—ESTIMATE for a CANAL from *Upper La Chine* to *Montreal*; to be navigated by Durham boats, 60 ft. long, 13 ft. 6 in. wide, and drawing 2 ft. 6 in. water; part to be for one boat only, 16 feet at bottom, the sides sloped in the proportion of 5 feet base to 3 in height, and carrying 3 feet water.

MILITARY:		£.	s.	d.
To excavating 5,000 running feet of single Canal, 8 ft. 6 in. within soil, principally rock, being 17,685 cubic yards, at 1s. - - - -		884	5	-
To removing 7,500 cubic yards of earth from the above, at 4d. - - -		125	-	-
To digging 3,833 feet of single Canal, 6 feet within soil, chiefly stones and rock, 10,200 cubic yards, at 9d. - - - -		382	10	-
To removing the earth from the same, 3,400 cubic yards, at 4d. - - -		56	13	4
To 2,500 feet of double Canal, through swamp and Little Lake, 3 feet deep, 9,722 cubic yards, at 6d. - - - -		243	1	-
To 2,500 feet through marsh, 4 feet within soil, 19,185 cubic yards, at 6d. - - - -		479	12	6
To 4,819 feet, 6 feet within soil, 42,835 cubic yards, at 4d. - - -		713	16	4
To 7,936 feet of double Canal, 3 feet within soil, 30,862 cubic yards, at 4d. - - - -		514	7	4
To 9,100 feet of ditto, 7 ft. 6 in. deep, 108,000 cubic yards - - -		1,800	-	-
To 5,900 ditto, 3 ft. 6 in. in soil, 27,380 cubic yards, at 4d. - - -		456	6	8
To sloping, beating down, and sowing with hay seed the sides of the Canal, at 3d. per square rod - - - -		486	9	-
CIVIL:				
To a pier at the head of the Canal - - - -		500	-	-
To rivetting the sides of the Canal in the Little Lake with cedar pickets, 10 to 12 feet long, furnishing the materials at £. 3. to 10 feet, both sides included - - - -		750	-	-
To forming towing paths and roads on both sides of the Canal at £. 4. to every 180 feet - - - -		1,173	6	8
To clearing the underwood and trees at 25s. per acre, 90 acres - - -		112	10	-
To building three locks, materials included, at £. 700. each - - -		2,100	-	-
To making sluices and gates for the same - - - -		750	-	-
To four main bridges, at £. 125. - - - -		500	-	-
To cartage on the whole Canal - - - -		500	-	-
The land to be purchased, including cut and cover, is 180.3 acres -				
	£.	12,527	17	10
Add Contingencies 1-10th - - -		1,252	-	-
	£.	13,779	17	10

Correspondence
relative to the
Canal Communi-
cation in Canada.

ESTIMATE of the Branch through the *Hay Market* into the *St. Lawrence*,
by the *Little River*.

MILITARY :						£.	s.	d.
To excavating 14,008 cubic yards of single Canal, at 4 d.	-	-	-	-	-	233	9	4
To filling in 2,900 cubic yards at 6 d.	-	-	-	-	-	72	10	-
CIVIL :								
To constructing two dams at £.200	-	-	-	-	-	400	-	-
To 3,836 toises of masonry, at 50 s.	-	-	-	-	-	9,590	-	-
To a wharf at the Junction of the Canal and St. Lawrence, formed of cedar filled in with stone	-	-	-	-	-	500	-	-
To two locks, materials included	-	-	-	-	-	1,400	-	-
To locks, gates and sluices	-	-	-	-	-	500	-	-
To five bridges	-	-	-	-	-	625	-	-
Add Contingencies 1-10th						£. 13,320	19	4
							1,332	-
The Branch from La Chine						14,652	19	4
						13,779	17	10
						£. 28,432	17	2

Amounting to Twenty-eight Thousand Four Hundred and Thirty-two Pounds Seventeen Shillings and Twopence, Halifax Currency.

(signed) Samuel Romilly,
Captain Royal Engineers.

ESTIMATE of the Lower Branch of the proposed CANAL from *Montreal* to
St. Mary's : (the Navy Store.)

MILITARY :						£.	s.	d.
To excavating 10,210 running feet of double Canal, 10 feet within soil, being 176,595 cubic yards, at 4 d. per yard	-	-	-	-	-	2,943	5	-
To digging the Branch leading into the St. Lawrence, 39,300 cubic yards, at 5 d. per yard	-	-	-	-	-	818	15	-
To sloping, beating down and sowing the sides of the Canal with hay-seed, at 3 d. per square rod, 1,323.6. rods	-	-	-	-	-	198	10	9 ½
CIVIL :								
To a wharf at the junction of the Canal with the River, from the lowest water-mark to the bank, to be formed of cedar filled in with stone	-	-	-	-	-	500	-	-
To 3,525 toises of masonry, from the wharf to the bend of the Canal, at 50 s. per toise	-	-	-	-	-	8,812	10	-
To building two locks with masonry, at £.700 each	-	-	-	-	-	1,400	-	-
To making and fixing two pair of gates and sluices	-	-	-	-	-	500	-	-
To forming towing-paths on both sides, at £.4 per 180 feet, 51 ½ acres	-	-	-	-	-	205	6	8
To a large bridge on the main road	-	-	-	-	-	200	-	-
To six small ones, at £.125	-	-	-	-	-	750	-	-
The land to be purchased, 35 acres.								
Add Contingencies						£. 16,328	7	5 ½
							1,632	-
						£. 17,960	7	5 ½

Amounting to Seventeen Thousand Nine Hundred and Sixty Pounds Seven Shillings and Fivepence Halfpenny, Halifax Currency.

(signed) Samuel Romilly,
Captain Royal Engineers.

No. 9.—TREASURY MINUTE relative to the Expense of making a Canal
from *Upper La Chine* to *Montreal* in *Canada*.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Copy of Treasury Minute, dated 30th December 1817.

READ Letter from Mr. Goulburn, dated 20th ultimo, inclosing a despatch from Lieutenant General Sir John C. Sherbrooke, relative to the expense of making a Canal from Upper La Chine to Montreal in Canada. In transmitting these papers Mr. Goulburn strongly urges the opinion of Lord Bathurst as to the expediency and necessity of this undertaking in a political and civil point of view, and states the readiness of the Colony to defray a considerable portion of the expense, in addition to that which they have already advanced for its commencement.

Write to Mr. Goulburn, acquainting him for the information of Earl Bathurst, that if the legislative authorities in Canada will make provision for one-half of the expense attending the construction of this Canal, My Lords will not object to sanction the payment of the remainder out of the Army Extraordinaries.

No. 10.—LETTER from *Henry Goulburn, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing-street, 23d March 1819.

I AM directed by Earl Bathurst to transmit to you the copy of a despatch from the Duke of Richmond, dated Quebec, 14th January, and to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' consideration and decision, as to the degree of encouragement which it may be expedient to afford to the plans developed in this despatch, and its inclosures; you will, at the same time, represent to their Lordships the importance which has long been attached, by every military man, to the formation of a communication between the provinces of Upper and Lower Canada, by the line of the Ottawa.

No. 11.

I am, &c. &c.
(signed) *Henry Goulburn.*

No. 11.—LETTER from the Duke of *Richmond* to the Right Hon. Earl *Bathurst*,
&c. &c. &c.

MY LORD,

Quebec, January 14th, 1819.

REFERRING to that part of my despatch No. 13, the 10th November last, respecting the navigation of the Ottawa or Grand River, I have now the honour to transmit a Report made to me by Capt. Mann, of the Staff Corps, whom I directed to survey the Carillon and Long Sault Rapids in October last. From the report of this officer, on whose judgment I have every reason to rely, it appears evident, that all the difficulties which at present obstruct the navigation of the Ottawa may be overcome, at a trouble and expense very trifling compared with the importance and utility of the object to be attained, an importance of which the people of this province are so convinced, that I have little doubt one half at least of the proposed expense will be cheerfully defrayed by themselves.

No. 13.

If your Lordship concurs with me in this view, I propose employing the Staff Corps on the Ottawa as soon as the weather will admit next spring, and joining to them the assistance of such labourers as the sum appropriated to the object and the country itself will admit of our procuring.

With Capt. Mann's Report I have the honour to transmit another from Lieut.-Colonel Cockburn, Deputy Quartermaster General, on the subject of the military settlement in the neighbourhood of the Rideau, and pointing out the communication

No. 12.

Correspondence
relative to the
Canal Communi-
cation in Canada.

which may be established in that direction between La Chine and Kingston, your Lordship will observe, that owing probably to Capt. Mann's Report on the Ottawa not having reached head quarters at the time the Quartermaster General's was made, he is less sanguine as to the facility of improving the navigation of the Carillion and Long Sault Rapids than I think myself justified in being. Both land and water communications in that direction appear of the utmost importance, and both may, I am convinced, be obtained with great ease.

With regard to the general policy of continuing our exertions to form a loyal and war-like population on the banks of the Rideau and Ottawa, I entirely agree with Col. Cockburn, and I know of no measures more likely to conduce to this desirable object than those recommended in the two Reports I now transmit.

I have the honour, &c.
(signed) *Richmond.*

No. 12.—REPORT on the Military Settlement in the Neighbourhood of the *Rideau*, pointing out the Communication which may be established in that direction between *La Chine* and *Kingston*, by Lieut. General *Cockburn*.

FROM *La Chine*, which is nine miles from Montreal, and the general place of embarkation for Upper Canada, to the foot of the Chaudiere Rapids on the Grand or Ottawa River, is a distance of about 110 miles; and the rapids of St. Anne's, and the Long Sault excepted, perfectly easy of navigation.

St. Anne's Rapids. The rapid of St. Anne's is about 16 miles from *La Chine*, and, though swift and shallow, of so short a continuance, as not to offer any serious impediment in ascending the river.

Long Sault Rapids. The Long Sault Rapids commence about 35 miles from *La Chine*, and extend, in a more or less violent degree, for a connected distance of 12 miles: the batteaux are obliged to unload at the foot of these rapids, and, thus lightened, are poled up without risk, although it generally takes from one to two days to ascend the whole of the 12 miles.

The cargoes are carted over the portage at a moderate expense, the road being good. Should it ever be deemed expedient to improve this part of the river communication, the expense will, I fear, be very much increased, on account of the great rise and fall of water which takes place in the Ottawa at the different seasons of the year.

The River Rideau falls into the Ottawa about 110 miles from *La Chine*, and one mile below the falls of the Chaudiere.

Road from the Landing to Richmond. The place fixed on for the landing of all articles going to the new settlement at Richmond, is in a small but remarkably fine bay, situated just below the Chaudiere falls; from this bay to the village of Richmond, is a distance of about 21 miles, and by the great exertion of Captain Burke (the Secretary) and the settlers, a very good road has been made from the one place to the other.

Village of Richmond. The spot fixed upon for the village of Richmond, is in the north-east angle of the township of Goulburn; and its establishment promises to render the greatest possible assistance in the important object of obtaining throughout the new military townships an industrious and loyal population. The settlers from Perth had, from their great and increasing numbers, been unavoidably placed so far from that village, as to render their occasional visits to it difficult in the extreme; and had the disbanded soldiers of the 99th been put down there, the want of roads, and the distance they must have travelled through the woods to have obtained their provisions, would have been tantamount to withholding the indulgence of rations from them altogether.

It was under these considerations, that the late Commander of the Forces so strongly recommended to his Grace the Duke of Richmond the formation of a new establishment in the township of Goulburn; and I am sincerely happy in being able to state, that the most sanguine expectations respecting its utility have been amply

amply fulfilled. Four hundred heads of families have already been located in the vicinity of Richmond. Several houses are building in the village, and seven or eight half-pay officers have fixed upon it as their future place of residence.

Correspondence
relative to the
Canal Communi-
cation in Canada.

The road, or rather the tract, which is opening between Richmond and Perth, runs in the direction of the base line of the new military townships, and, generally speaking, about two miles from it. It is on this road, and, as nearly as circumstances will admit, in the centre of the township of Beckwith, that a provision store is to be built. The road will be sufficiently opened in the course of a month, to admit of sleighs passing over it during the winter; and I would earnestly recommend that an expenditure of three or four hundred pounds, exclusive of two or three months' rations of provisions and rum, might be allowed for the payment and subsistence of about 80 men, to be employed in making it passable for waggons during the summer.

Road from Rich-
mond to Perth.

A reference to the accompanying Plan will show, that when this road is opened, and a provision store built in Beckwith, each of the new townships will be equally eligible for settlement; and thus a very large proportion of land will be anxiously sought after, which the settlers have hitherto been averse to being placed on.

The total of men, women and children, located under the direction of the Quartermaster General's Department in the Rideau Settlement, is from 4 to 5,000, and, great as that number may appear, I have no doubt it would, ere this, have doubled its present amount, had the village of Richmond been established at the same time with that of Perth, and the road of communication, now proposed, been immediately opened.

Population.

That the continuance of this system must produce a continuance of expense, I am fully aware; but when the advantages to be derived from its furtherance are taken into consideration, I cannot but hope the means of extending it will be sanctioned and approved.

Every person who has looked at these Provinces in a military point of view, has immediately perceived the importance of a communication being established in the direction of the Rivers Ottawa and Rideau; were the latter made navigable, it would materially enhance the value of this communication, but the expense of doing so would (from personal observation) I think, be too great to admit of its being commenced on at the present moment; and it is under this impression that I see more strongly the advantage of opening the road between Richmond and Perth, which, if ultimately continued on to Kingston, would not only add to the trade and welfare of that important town, but would establish a communication between Upper and Lower Canada, distinct from the St. Lawrence, and at the same time insure prosperity to the military settlements. Another great advantage to be derived from the military settlements is, that from the number of meritorious officers and soldiers living there, a militia force will always be produced so respectable, both as to numbers and discipline, as to afford protection to that part of the St. Lawrence, at the back of which the new townships have been laid out.

Communication
from Lower Canada
to Kingston, in
direction of Ottawa
and Rideau Rivers.

Advantage to be
derived from Militia
of Military Set-
tlement.

The events of the last war did most clearly evince that the inhabitants of the more distant parts of Upper Canada (I allude to the neighbourhood of Lake Erie), were not only useless as to the general defence of the province, but were unequal even to the protection of their own property; for many of them suffered severe and heavy losses from the incursions and plunder of the enemy, for which they are, I understand, now seeking remuneration from Government. How much more advantageous therefore must it be, to put the emigrants who may arrive from England on lands at the military settlements, than to scatter them in small numbers, as heretofore, in the different parts of the province!

The very situation of the country in the vicinity of the Rideau, bounded as it is by the Ottawa and St. Lawrence, points it out, under every consideration, as the most eligible in the two Canadas for settlement; and if it meets the views of Government to authorize a certain expenditure in provisions, for the assistance of the poorer class of emigrants who may come out, I am persuaded the population at the settlements might be increased to any amount to which it may be deemed advisable to extend it.

Advantageous
situation of Military
Townships.

To receive the poorer class of emigrants, however, without giving them some assistance in provisions, experience has shown to be both cruel and impolitic; and

The poorer class of
Settlers must be
assisted, or not
received.

Correspondence
relative to the
Canal Communi-
cation in Canada.

I feel warranted in humbly recommending that this description of encouragement should be given.

Deputy Quartermaster General's Office, } *Fra' Cockburn,*
Quebec, November 26th, 1818. } L' Col' and Dep' Q' Master Gen.

No. 13. REPORT on the Navigation of the *Ottawa* or *Grand River*, ascending from *Point Fortune* to the head of the *Long Sault*; with Observations on the means of improving it, or rendering it practicable for loaded Batteaux, Gun Boats, &c. Surveyed in October 1818; by Captain *J. W. Mann*.

Carillion Rapids.

THE first obstructions, in ascending this part of the Ottawa River, are the Carillion Rapids, which commence at Point Fortune, and extend about one mile and a quarter: the water during the autumn is, in most parts, extremely shallow, particularly near the banks of the river, and at the head and foot of the rapids on the north side, the level at this season being generally seven or eight feet lower than in spring. Batteaux, having great labour to ascend, take out part of their cargoes, which is conveyed by land to the head of the Long Sault. The channel is on the south side, but there are few parts of it sufficiently near the shore to admit of their being assisted from thence by a tow-rope, as will appear by the soundings laid down in the Plan; there being, however, fewer obstructions on this side, it is the best for any works connected with the river that would facilitate the navigations; but there cannot be much improvement made to it without incurring considerable expense, as the great variation of the levels, at different seasons, would render it necessary, if locks were constructed, to raise the walls extremely high. Should a tow-path be constructed, it must be useless, except for two or three months in the year; and the bed of the river being a flat rock, there would be great labour in any excavations that might be necessary. A bank of stones has been thrown up on the south shore, which forms a canal, into which batteaux are admitted by a lock; but as the bank does not retain the water, and the lock is not sufficiently deep, this work is, during the autumn, rather an obstruction than an assistance to the navigation. It would, therefore, I think, be advisable, if the lock was not altogether removed, to make an open passage through the bank, or to construct one higher up, at A, where there is sufficient water; from which place, to the head of the rapid, I propose bringing the channel near enough to the shore, that batteaux may be assisted from thence by a tow-rope; this may be done by removing the stones and excavating the rock; but where the latter cannot be effected, I would recommend catch waters being thrown out to turn the stream, and consequently give a greater depth of water near the shore. With these improvements loaded batteaux may ascend with ease, providing two or more are in company, the crews assisting each other at the most difficult places. The probable expense of these works would be, for the lock (if constructed, and of the same description as the one before mentioned) £. 400; for the excavation and catch-waters, judging by the soundings, the parts that require improvement, and the price of similar works on the river, £. 800, making together a total of £. 1,200.

£. 1,200.

Chûte à Blonde.

After passing the Carillion Rapids, the next obstruction is the Chûte à Blonde, distant about four miles; the current being strong, batteaux ascend with some difficulty; but there is a sufficient depth of water near the shore on the south side, except at the upper and lower parts of the rapid; but these places would admit of being deepened without much labour. The difference between spring and autumn is about eight feet, the distance from the head to the foot of the rapid half a mile, and the fall three feet eleven inches. On the north side, between the island and main land, the fall is much more sudden, from which circumstance, as well as the water being shallow, this channel is never used except during the spring. The only works which would completely remove the difficulties in passing this rapid, appear to be either a canal on the north side (taking advantage of the ravine nearly parallel with the river), or by throwing a dam across the north channel, as represented in the Plan (A.) (B.) in which a lock might be placed; but as there would in the first case be a great deal of rock to cut through from the end of the ravine to the foot of the rapid, besides the excavation necessary in the ravine, the expense of this work would probably not be compensated by the advantages resulting from it. The dam across the channel could not either be constructed without considerable expense, on account of the

the great rise of water in the spring ; I therefore think the only work advisable would be, to remove the obstructions already mentioned in the south channel, and to form a towing-path for the spring, by levelling the top of the adjacent bank, the flat rock under the bank answering this purpose the rest of the year ; with these improvements loaded batteaux may ascend, by the crews assisting each other, as recommended for the Carillon Rapids : the probable expense of these works would be about £. 200.

Correspondence
relative to the
Canal Communi-
cation in Canada.

From the head of this rapid to Bois Brulé, on the foot of the Long Sault, the current is very gentle ; but batteaux have some difficulty in ascending at the openings of the navigation, on account of the ice which collects at this part of the river in great quantities.

From the Chûte
à Blonde to Bois
Brulé.

From Bois Brulé there is a strong rapid to the head of Stoddard's Island, which is extremely difficult to ascend, particularly the upper part. The channel in the spring is on the north bank of the river ; during the summer on the south, passing between the island and main land ; and in the autumn on the same bank to the foot of the island, and from thence to the head of the rapid on the north side of the island. The navigation of this part of the river does not appear susceptible of any material improvement ; the construction of a towing-path I would not propose, there being nearly the same variation in the height of the water, at different seasons, as at the rapids before-mentioned ; the upper part might be avoided by taking advantage of the still water between Stoddard's Island and the south shore, ascending the falls, marked in the Plan (C.) and (D.) ; but as there would be the same objection to locks as before stated (owing to the rise of water in the spring, and a great deal of rock to excavate, as well as large stones to remove), the construction of these works does not appear advisable.

From Bois Brulé
to the head of
Stoddard's Island.

The part of the river between Stoddard's Island and the Trois Roches, an extent of two miles and a half, can be ascended by loaded batteaux, but not without some difficulty, as there are several short rapids to pass ; some improvement, however, might be made without much expense, by clearing away the large stones which obstruct the passage. The channel is on the north bank during the spring, but on account of the numerous shoals, batteaux ascend the rest of the season on the south bank.

Between Stoddard's
Island and the
Trois Roches.

From the Trois Roches to the head of the Long Sault, a distance of three quarters of a mile, there is a continued rapid ; the numerous rocks which cover the bed of the river, and the great strength of the current, particularly at the head of the rapid, render the greatest exertions necessary to get up a batteaux, even without her lading : these difficulties might, however, in a great degree be obviated, by taking advantage of the still water between the south shore and opposite island, entering at the dam (E.) (represented in the sketch) by means of locks, an opening having been left in it for this purpose by the proprietor Mr. Hamilton ; but the whole of the rapid might be avoided by clearing a channel from (F.) at the Trois Roches, to the still water at (G.) ascending by locks ; but as the water finds a passage over the whole of this ground during the spring, the construction of a dam would be necessary from (H.) to the high ground at (I.) in continuation of one begun by Mr. Hamilton ; this circumstance, together with the parts that would require excavating, being chiefly rock, would occasion great labour. These works, with what has been said respecting the improvement above the Chûte à Blonde, have been mentioned, as they appear the only means of facilitating the navigation, without incurring the expense, of a Canal ; but as the works at the head of the Long Sault, in addition to the objections already stated, would be rendered useless in the event of any accident occurring to the dam (E.) and as it does not appear that the difficulties at Stoddard's Island can be removed, nor that any material improvements can be made at the other rapids, the construction of a Canal on the north side of the river, about five miles and a half in extent, by which the whole of the Long Sault would be avoided, appears the work most to be recommended. This side is preferred, the ground being less rocky than the opposite, and there being a stream running nearly in a parallel direction to the river for about two miles ; and as there does not seem any great variation in the level of the ground, there would be no difficulty in procuring the necessary supply of water from the upper part of the river ; the only lockage therefore required would be, for the difference of level between the parts of the river into which the Canal would open, which appears by the tables on the Plan to be 47 feet, including five feet

From the Trois
Roches to the head
of the Long Sault.

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£. 4,340.

feet for the parts between the rapids ; allowing also 15 feet for the greatest rise in the spring, the total lockage required would be 62 feet : the probable expense therefore of this part of the work, allowing £. 47 per foot rise, would amount to £. 4,340. As there would be some high ground to cut through near the head of the rapid, and probably some embankments to make near the Bois Brulé, as well as clearing the land, &c. the expense of this part of the work would be very considerable ; but no accurate estimate could be made, unless the exact course of the Canal was determined upon by sections of the ground and the nature of the soil ; but, judging from the general appearance of the country, and the expense of other works of this description, the amount would probably be about £. 11,000, which, with £. 4,340 for lockage, would make a sum of £. 15,340 for the canal ; and adding £. 1,200 for the proposed works at the Carillon Rapids, and £. 200 for those at the Chûte à Blonde, the whole expense of the improvements would amount to £. 16,740.

J. W. Mann,
Captain Royal Staff Corps.

No. 14.—TREASURY MINUTE relative to the Communication between
Upper and Lower Canada, by means of the *Ottawa or Grand River*.

Copy of Treasury Minute of 25 May 1819.

READ Letter from Mr. Goulburn, of the 23d March last, transmitting copy of a despatch from the Duke of Richmond, with Plans, and a Report from Captain Mann, of the Staff Corps, for the improvement of the communication between Upper and Lower Canada, by means of the Ottawa or Grand River.

Write to Mr. Goulburn, acquainting him, for the information of Earl Bathurst, that My Lords will not object to sanctioning the execution of the several works proposed for the formation of a communication between the provinces of Upper and Lower Canada, by the line of the Ottawa, as detailed in Captain Mann's Report, provided the Colonial Legislatures will take measures for the payment of a moiety of the expense, in which case My Lords will authorize the payment of the Crown's moiety out of Army Extraordinaries.

No. 15.—LETTER from *Henry Goulburn*, Esq. to *George Harrison*, Esq.
&c. &c. &c.

SIR,

Downing Street, 26th July 1819.

No. 16. I AM directed by Lord Bathurst to transmit to you the copy of a despatch from his Grace the Duke of Richmond, dated 20th May last, reporting the arrangements which are in progress for improving the Water Communication between Upper and Lower Canada, and I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their information and opinion.

I am, Sir,

Your most obedient servant,
Henry Goulburn.

No. 16.—LETTER from the Duke of *Richmond* to the Right Hon. Earl *Bathurst*,
&c. &c. &c.

MY LORD,

Quebec, May 20th, 1819.

WITH reference to your despatch, No. 156, April 3d, 1818, to Sir John Sherbrooke, conveying the authority of the Lords Commissioners of His Majesty's Treasury for the payment, from the Army Extraordinaries, of one-half of the expense of constructing a Canal from Montreal to La Chine, I have now the honour to inform your Lordship, that being deeply impressed with the importance of carrying into execution the works necessary for the improvement of the Water communication

communication between the Upper and Lower Provinces, I have not failed to use every exertion to prevail on the Legislature to complete such arrangements for this purpose as more immediately depended on themselves.

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cation in Canada.

A Bill, containing the provisions necessary for the La Chine Canal, did accordingly pass both Houses during the last Session, and the sum of £.10,000, to be vested in 200 shares of £.500 each, was voted by the House of Assembly. The appropriation of a further sum of £.25,000, and of £.10,000 per annum for the next six years, for the improvement of the navigation of the Ottawa River, passed through two readings without opposition; and, had not circumstances rendered a prorogation necessary, I have no doubt it would have been carried.

The estimate transmitted by Sir John Sherbrooke, to which your Lordship's letter of April 1818 is an answer, having amounted to £.50,000, I have considered myself authorized to appropriate £.25,000 from the Army Extraordinaries to these works; and I have accordingly taken 300 shares of £.50 each (£.15,000) in the La Chine Canal; and having every reason to believe that the vote of the House of Assembly for the Ottawa will be confirmed next year, I shall, unless I receive directions to the contrary, employ the remaining £.10,000 in carrying on the projected improvements on that river; I have accordingly directed Captain Mann, whose survey I transmitted to your Lordship in January last, to proceed with that work, as far as the limited means of his own detachment will allow; and I hope to be able to assist him from time to time, by sending up a certain number of such labourers as we may be able to select from the emigrants, who will probably arrive during the summer, and to whom a few months' immediate employment is an object of great importance, and who may by these means be prevented from passing into the United States.

I have the honour to be, &c.

(signed) *Richmond.*

P. S.—I have been the less unwilling to vest these sums in the manner proposed, by taking shares in the La Chine Canal in preference to sinking the money, from the circumstance of the tolls of the locks at the cascades having produced last year nearly £.1,300 after deducting every expense of overseers, &c. &c. &c.

No. 17.—Copy of TREASURY MINUTE, dated 13th August 1819.

MY LORDS resume the consideration of Mr. Goulburn's letter of 20th November 1817, and its enclosures, upon this subject; and read their Minute of the 30th December 1817 thereon, sanctioning the payment of one-half of the expense of this Canal out of the Army Extraordinaries, provided the legislative authorities would make provision for the remaining half thereof.

Write to Mr. Goulburn, acquainting him, for the information of Earl Bathurst, that, as it appears from the Duke of Richmond's despatch, that the sum of £.10,000 has already been voted by the legislature of Canada, and that there is every reason to believe that the sum of £.25,000 and £.10,000 per annum for the next six years will be voted for this service in the next year.

No. 18.—LETTER from *R. Wilmot Horton, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing-street, 10th December 1823.

WITH reference to the communications which have been addressed to you from this department, particularly by Mr. Goulburn's letters of the 20th November 1817 and 23d March 1819, on the subject of improving the Water Communication between Upper and Lower Canada, I am directed by Lord Bathurst to acquaint you with the progress which has been made in carrying this important work into execution, and the necessity of forwarding further instructions to Lord Dalhousie for his guidance.

Nos. 5 & 10.

In the year 1821 an Act passed the legislature of Lower Canada, appropriating £.35,000 to the La Chine Canal, and granting free passage to all boats in His Majesty's

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Majesty's service, on condition of an aid of £.10,000 to the above sum, which has accordingly been paid by Lord Dalhousie; and the sum of £.25,000 has been applied to the works of the Grenville Canal on the Ottawa.

Their Lordships are aware that the improvement of the Water Communication is to be effected by two canals; the one at La Chine, near Montreal, and the other in the township of Grenville, on the Ottawa. They must be considered as two distinct works, the former belonging to the civil government of the province, and to be defrayed from provincial funds, the other military, and wholly executed by that branch of His Majesty's service.

The estimates have, from unforeseen difficulties, fallen far short of the expense that will be necessary to complete either work; but as it is generally supposed that the Legislature will grant further aid to the La Chine Canal, Lord Dalhousie recommends that His Majesty's Government should decline further co-operation in it, making however the Grenville Canal a work of annual progress, as part of the military expenditure.

The sum of £.25,000, which has already been expended on the Grenville Canal, covers every item of expense, including rations, &c. The most scrupulous attention has been paid to economy, and the work has been very ably conducted by Captain Du Vernet of the staff corps. It appears, however, that it will require a further sum of £.24,000 to complete it; but Lord Dalhousie states that sum as sufficient, at the rate of £.8,000 per annum for three years.

I am therefore directed by Lord Bathurst to request that you will bring the subject under the early consideration of the Lords Commissioners of the Treasury, and he feels himself justified in earnestly pressing the completion of this work; that the Canal, at no distant period, will largely repay by toll the full interest of its cost; and it is also to be recollected, that in its progress it furnishes employment to many hundred starving emigrants, enabling them to settle lands in the neighbourhood, and that it will eventually greatly advance the settlement of all the country between it and Kingston, which is at present an immense wilderness and forest. It is hardly necessary further to remind their Lordships, that to discontinue the work at this late period, would be to incur a loss of all the money already expended, with the addition of a claim for compensation on the part of those proprietors of land through whose property it has been carried.

I am, Sir,

Your most obedient humble Servant,

R. Wilmot Horton.

No. 19.—TREASURY MINUTE, authorizing the completion of the Works
on the *Grenville Canal*.

Copy of Treasury Minute, dated 9th April 1824.

MY LORDS resume the consideration of Mr. Goulburn's letters of the 20th November 1817, and 23d March and 26th July 1819, upon this subject, and read their Minutes of the 30th December 1817, and 25th May and 13th August 1819, thereon.

Write to Mr. Wilmot Horton, acquainting him, for the information of Earl Bathurst, that My Lords entirely concur in the view taken by his Lordship of the importance of this work, and of its completion within the period stated by the Earl of Dalhousie; and request he will move Earl Bathurst to make such communication to the Earl of Dalhousie as he may deem expedient. Transmit to him also a copy of Lord Dalhousie's letter of the 17th December last, and acquaint him, for the information of Earl Bathurst, that, under the circumstances stated, My Lords have directed their sanction of this expenditure to be conveyed to his Lordship.

Write to the Earl of Dalhousie, acquainting him, in reply to his said letter of 17th December last, that, under the circumstances stated, My Lords are pleased to sanction the expenditure in question.

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cation in Canada.

No. 20.—LETTER from *R. Wilmot Horton, Esq.* to *George Harrison, Esq.*
&c. &c. &c.

SIR,

Downing-street, 14th May 1824.

I AM directed by Lord Bathurst to transmit to you the copy of a letter from Lieut.-General the Earl of Dalhousie, dated the 3d February last, stating the progress which has been made in improving the Water Communication in Canada, by means of the La Chine and Grenville Canals; and I am to desire that you will lay the same before the Lords Commissioners of the Treasury for their Lordships' information.

No. 21.

I am, Sir,

Your most obedient Servant,

(signed) *R. W. Horton.*

No. 21.—LETTER from *Earl Dalhousie* to *R. Wilmot Horton, Esq.*
&c. &c. &c.

SIR,

Quebec, 3d February 1824.

BY the last mail I had the honour to receive your letter of the 10th November last, covering a memorandum on the Water Communication between Upper and Lower Canada, by the La Chine and Grenville Canals, and requesting such further information on the subject as I may consider necessary.

The memorandum which, agreeably to your request, is herewith returned, is so perfectly clear and correct (except in stating one of the Canals to be in Upper Canada, both being in the Lower Province), that I can add little to it beyond a copy of the Report made by the officer who has been employed on the work during the last summer, which I hope will prove satisfactory to Lord Bathurst.

No. 23.

No. 22.

Capt. Du Vernet,
Royal Staff Corps.

Upon the whole line of the Grenville Canal, which I went to inspect myself in September last, I found the work admirably executed. The extent is about six miles, generally through a bed of rock lying horizontal, so that the bottom of the Canal is flat and secure, while the sides afford extraordinary facility for disembarking on regular ascending steps.

On the bank is an excellent broad road, or towing-path, which will naturally become the great leading road through that part of the country. One mile remains to be excavated in the present year, and the locks will be commenced. In 1825 I hope and expect to have it laid open for the public use.

Upon the La Chine Canal the works have been carried on with great spirit. In this last summer about *nine* miles of the *twelve* were opened and flooded, with locks completed, of the finest masonry I ever saw; and the remainder will be proceeded upon in 1824.

The Provincial Legislature in 1823 voted 12,000*l.* in addition to the 46,000*l.*; and it is expected that a further vote of 20,000*l.* will be made in this session. But be that or not, there is not a doubt but it will be completed; and I have every reason still to urge that His Majesty's Government will proceed upon the Grenville Canal as a work of the greatest importance, and as one that will ultimately repay the expenditure.

The effects of it are already felt by considerable trade going up the higher districts on the Ottawa, and a steam-boat actually running from the head of the Canal to Hull every second day through the summer.

I have the honour, &c.

(signed) *Dalhousie,*
Commander of the Forces.

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No. 22.—REPORT of the Progress made with the *Grenville Canal*,
for the year 1823.

OWING to the spring having been unusually cold and wet, and that it was late before any number of workmen came to hire themselves on the public works, nearly the whole of the first month, after the detachment went up to Grenville, was occupied in repairs of the tools and materials, and making preparations for commencing with vigour, as soon as a sufficient number of workmen could be collected. The water having been very high this season (within nine inches of what it was last spring), and a long time before the flood subsided, nothing could be done in the low ground at the head of the Canal, until the latter end of July; but the water was at the end of September nearly as low as it was in the autumn of 1819, when it was supposed to be at the lowest it ever is.

The first part begun upon this season, was opposite, at the head of the rapid, to the left of the road leading to the point, the whole of which distance is rock, and required to be cut from seventeen to twenty-two, and in one place about thirty feet in depth. The slopes on each side were taken off this summer, for the whole distance, partly carried to extreme depth, and widened eight feet on the upper part, in order to leave sufficient width for boats to pass near the lock: as soon as it was possible, after the water left the swamps, the parties employed on this spot were taken off, as it was of consequence to get the upper part finished whilst the water was low, upon which every exertion was made; but it could not be completed more than two-thirds of the distance, the part next the road being entirely of solid rock; but, having worked at it to the very last, and taken out a great deal of the soil at the entrance, below the level of the low water, I had just time to finish a dam of framed timber, when the rising of the water and a high wind destroyed the sheet piling at the head of the Canal, and prevented the completion of this entrance; but so much was done, that the remainder can be early got out whilst the water is warm the next autumn, with dredges: this dam will save the necessity of pumping the water off the finished part, which is of considerable length, and is intended to remain until the lock is built; the short distance between which can, at any time when the water is low, be laid down with little difficulty. At the lower extremity of the Canal, the work was resumed on the land of Allan and Duncan Cameron, and carried on nearly to the fence of Owen Owens, where the second level will run out. A third lock of a six feet lift will be placed the distance of about two hundred yards, almost all of which is brought to the proper depth, except the building stone is found; and for a short distance on Green's lot, from Owen's Farm to the end of the Canal, the ground has a very bad appearance, being covered with large granite rocks the whole distance, the removing of which will be very difficult and expensive. The whole of this distance (a mile and a quarter), and as far as Green's lot, was in forest, and has been cleared of the timber this year, and fenced off on both sides. The lands under cultivation have also, for the greater part, been fenced off, and the whole, from one end to the other, will be so in the spring, after which it will be necessary to have some penalties enacted for pulling down the fences, and turning cattle on the Canal premises, without which it will be impossible that the banks can be kept in order. About 4,500 square feet of stone, of good quality and size, has been already got out and worked; and I am of opinion sufficient may be obtained at this spot for the head lock, and hollow coins, &c. for the second, for which there is enough square stone lying near it, but not of so good a quality or large as that which has been discovered lower down in the Canal.

Opposite the gulley, on the first lot of Grenville, a wall has been built, to break the force of the water which comes down it in the spring, and being admitted into the Canal, a sluice is built on the opposite side, to allow the surplus of water to escape when the height of the water will admit of it; and another will be required near Green's Rivulet, to be used when this cannot, which it is supposed will very rarely be the case. Besides the quantity of lime which was burnt in 1822, of which I took no account, 1,272 bushels have been made this year, of which 599 have been used; and it appears that 3,952 bushels of charcoal have also been made by men I left at Grenville for the purpose, to be ready on our return next spring. Besides the numerous repairs, 150 new wheel-barrows, fifty hand-barrows, two screw-pumps, one waggon, and two stone carts, a stone guard-house, a bridge, and a variety of other work has been done by the artificers of the detachment.

(signed) *Henry Du Vernet*,
Capt. Royal Staff Corps.

No. 23.—EXTRACT of a Report to His Grace the Duke of *Wellington* relative to the BRITISH NORTH AMERICAN PROVINCES; by a Commission, of which Major-Gen. Sir *James Carmichael Smyth* was President. Dated 9th Sept. 1825.

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THE RIDEAU CANAL.

THE mouth of the Rideau falls over a precipice thirty feet high into the Ottawa, forming a very beautiful and regular cascade, not unlike a curtain, from whence it has derived its name. This fall may, however, be easily turned, and the mouth of the proposed Canal be made to enter by a small bay a few hundred yards lower down the Ottawa than the mouth of the Rideau.

There appears to be no difficulty whatever with respect to a Canal from the Ottawa to Kingston, by the Rideau River, the Rideau Lake, the Mud Lake, Cranberry Marsh, and Kingston Mill Stream. The whole extent of the communication would be 132 miles. The line has been carefully surveyed, and estimates of the expense have been formed by order of the Provincial Government. The other line mentioned in your Grace's instructions by Kyles Bridge and the Irish Creek, although somewhat shorter, could not be undertaken for want of water.

Three different estimates have been formed for the proposed Canal, varying according to the dimensions that may be adopted. That which amounts to £.145,000, corresponds, as to the size of the Canal, with those of Grenville and La Chine, and of course would be the one to be selected. The locks are, however, only estimated at fifteen feet broad by eighty feet in length. The length does not so much signify; but it is indispensable that they should have the same breadth, (namely, twenty feet) as the Grenville and La Chine locks. It would be better, indeed, that they should agree exactly: this, of course, would cause an additional expense. We have estimated that £. 24,000 would cover this alteration; making a total for the Water Communication between Kingston and the Ottawa, of £. 169,000.

In compliance with your Grace's commands, we have endeavoured to ascertain what assistance, if any, could be procured from the Provincial Government towards carrying on this important work, whether viewed in a military or a political point of view, into effect. We regret, however, to say, that there does not appear to be the slightest chance of any pecuniary aid from the Province. The settlers are very poor, and the Province of Upper Canada is yet in its infancy. The Province of Lower Canada is much wealthier, and was able to undertake the La Chine Canal, the profits of which were evident, and will amply repay in time both capital and interest. The profits upon the Rideau Canal are more remote, and the Province is not able to advance such a sum of money.

It has occurred to us, that the only possible mode of having the Canal executed will be, for the British Government to undertake it, and to complete the whole of the Water Communication from the St. Ann's Rapids, near Montreal, to Kingston, by the Ottawa and the Rideau, upon the same scale as already has been commenced upon at Grenville. In addition to the £. 60,000 already allotted for that part at Grenville, there would be required the £. 169,000 wanted for the Rideau, and the £. 50,000 which at any rate must be advanced to get the better of the Carillon, Châte à Blondeau, and the St. Ann's Rapids, before any benefit can be derived from the money now expending at Grenville. The whole of this Water Communication would thus cost £. 279,000; but as it would be entirely in the hands of Government, the tolls would of course be collected on account of the Treasury; and in proportion to the rising prosperity and increasing commerce of the Province, the money advanced might be expected to be repaid. Excepting it is undertaken by His Majesty's Government, we are afraid it will never be executed. Companies are forming; and cheap and temporary expedients are likely to be resorted to for improving the navigation of the St. Lawrence, in order to enable the produce from Lake Ontario to be forwarded to Montreal and Quebec with less trouble and risk than at present. The important advantages of such a communication in the rear of the frontier, are not likely to be appreciated by the bulk of the inhabitants of the Province; nor is it probable, that for the attainment of a remote good, they will agree to any tax or immediate pecuniary loss.

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No. 24.—EXTRACT of a REPORT of the Joint Committee appointed to
report on the proposed WATER COMMUNICATION in *Canada*.

THE Joint Committee appointed to confer upon the improvement of the internal navigation of this Province have had before them the several Reports of the Commissioners appointed under the Provincial Statute 2 Geo IV. c. 2, which they have read with great interest; and especially the third or last Report, accompanied with an able and very judicious letter, addressed by Mr. M'Auley, the President, to Mr. Gordon, one of the Members of the Board, and submitted by the latter to the Committee.

All these papers are subjoined to this Report in an appendix, and the Committee have much satisfaction in calling attention to them, as to documents which are in their opinion highly creditable to the zeal and intelligence of the Commissioners.

With respect to the Estimates in detail, however important it is to ascertain their accuracy, it can scarcely be expected that the Committee can of their own knowledge either verify or discredit them, or in fact that they can do any thing more than express their judgment as to the degree of confidence they appear entitled to from the means which were employed in procuring them.

On this point the Committee are happy to believe there is no ground to discourage a reliance on their general accuracy. On the contrary Mr. Clowes, after the experience the Commissioners have had of him, appears to possess fully their good opinion of his professional knowledge and of his respectable character; and the Committee find no reason to apprehend that the result of his surveys would not be found generally correct, except that as in all similar undertakings of great extent there is a chance that obstacles might present themselves in the progress of the work, which it is not always possible to discover or foresee.

The probability of some obstacles occurring which would enhance the cost, is perhaps too great to admit of its being safely kept out of view in any case; but as this is purely a contingency, and no calculation can possibly be made to meet it, the estimates must necessarily be assumed to be in the main correct, in the absence of any known reason for suspecting their accuracy.

To these Reports the Committee therefore refer, as containing the best, and in truth the only satisfactory information it is in their power to present, as to the means of improving the internal navigation of this province; and indeed in the observations contained in the Reports, so comprehensive a view is taken of the subject, and the public interests involved in it are discussed with so much candour and judgment, that the Committee would unwillingly bespeak attention to any attempt of their's to reason minutely upon the same points with less advantage of leisure and far less opportunities of knowledge.

After examining these Estimates and Reports, the considerations remaining to be weighed are, the probable influence of the projected improvements upon our security and welfare, the scale on which they should be attempted, the expense at which they can be accomplished, and the means of meeting that expense, the time at which they may and ought to be undertaken, and in what order.

Upon all these points the Commissioners have offered very valuable remarks, and the Committee may, without any censurable failure in their duty, forbear much additional observation of their own, upon points upon which great diversity of opinion will undoubtedly prevail, however much they may be discussed, because they involve considerations so various in their nature, and so combined a view must be taken of the several questions, that it would be vain to pretend to demonstrate satisfactorily the precise conclusion to which the suggestions of the Commissioners ought, under all circumstances, to lead.

That a Canal from Kingston to the Ottawa River, would in the event of a war, not merely diminish beyond measure the charge of our defence, but render its success greatly more certain, admits of no doubt. Happily present appearances indicate no interruption of the good understanding between Great Britain and America; on the contrary they afford a well grounded hope of its permanence, but without bringing probabilities into discussion, it may be affirmed that it would be most imprudent to reckon securely on a very long continuance of peace.

In

In the event of a war protracted as the last, the safety and the saving of transport conducted by such a channel, would, it is believed, fully compensate to the nation the charge of the improvement; and it is most evident, that to give full effect to the sound and liberal policy which has created the military settlements on the Rideau, and introduced, since the war, a loyal population of more than 10,000 souls where there was before no inhabitant, and which is now surmounting, at a considerable expense, the interruption of the navigation of the Ottawa, it is necessary, to perfect the Water Communication, removed from the enemy's frontier, and leading, in truth, from the ocean to Kingston, which is the key to Lake Ontario and the principal military station in the province.

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cation in Canada.

With respect to the Canal from Kingston to the Ottawa, it remains an important and somewhat difficult question. The comparative expense is on a scale of 7 feet in depth, 40 feet in width at the bottom, and 61 feet in width at the surface of the water, the banks to slope $1\frac{1}{2}$ foot to 1 foot perpendicular; the locks to be of stone, and 100 feet in length by 22 feet in width, with turning bridges, with 22 feet in the clear, and 10 feet wide: cost, £. 230,785. 14. 1 $\frac{1}{2}$.

On a scale of 5 feet in depth, 28 feet in width at the bottom, and 48 feet in width at the surface of the water; the banks to slope 2 feet to 1 foot perpendicular; the locks to be of stone, and 80 feet in length by 15 in width, with turning bridges, 15 feet in the clear, and 10 feet wide: cost, £. 145,802. 7. 8 $\frac{1}{2}$.

On a scale of 4 feet in depth, 20 feet in width at the bottom and 32 feet in width at the surface of the water, the banks to slope $1\frac{1}{2}$ feet to 1 foot perpendicular; the locks to be of wood, and 75 feet in length by 10 feet in breadth, with turning bridges, 10 feet in the clear, and 10 feet wide: cost, £. 62,258. 8. 10.

A Canal larger than is necessary to transport with convenience all descriptions of naval and military stores, would, by its greater dimensions, afford, in the opinion of the Committee, no additional security to the Province.

Judging thus, they are inclined to prefer the Plan second in order, being of a Canal five feet in depth.

(signed) *J. Strachan,*
Chairman of the Committee from the
Legislative Council.

Angus Mackintosh.

(signed) *J. B. Robinson,*
Chairman of the Committee of the
House of Assembly.

W^m Morris.

Ja^s Gordon.

6 April 1825.

No. 24. (a.)—REPORT and ESTIMATE of the COMMISSIONERS appointed under the Act for the Improvement of the Internal Navigation of *Canada*.

To His Excellency Sir *Peregrine Maitland*, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &c. &c. &c.

The Commissioners appointed by Your Excellency in conformity to the provisions of an Act passed in the second year of His Majesty's reign, intituled, "An Act to make Provision for the Improvement of the Internal Navigation of this Province,"

Most respectfully Report,

THAT in prosecution of the plans stated in the first Report, submitted at the late Session of the Legislature, the Commissioners this season applied their attention to the route from Lake Ontario by the interior lakes and streams of the River Ottawa; and because no positive direction could be assigned to this survey without more general knowledge of the interior than was at that time in their possession, they found it necessary that the engineer should traverse the country from Kingston to the confluence of the Rideau and Ottawa Rivers, and personally acquire the requisite information respecting its leading features.

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Mr. Clowes, the engineer, accompanied by one of the Commissioners and by Mr. Sherwood, the land surveyor, who acted as guide on the occasion, embarked in canoes early in the spring, and proceeded from Kingston up the grand River Cataraquay, and through Cranberry Lake, to the Gananoque River, which are all connected by means of dams erected at the White Fish falls in the township of South Crosby, and at the round tail in Pittsburgh. The exploring party then passed up Jones' falls or rapids, and following up the White Fish branch of the Gananoque through several small lakes, to the carrying place from Mud into Rideau Lake, transported their canoes and baggage from the lower end of the latter into the River Mississippi by the main road leading from Perth to Lanark; from thence they descended to the Ottawa, and returned to Kingston by the Rideau river, Irish creek, and the Gananoque.

The Commissioners had been led to suppose that the Mississippi would afford great facilities for their proposed survey; it is in truth a fine and copious stream taking its rise somewhere in the neighbourhood of Crow River, one of the tributary streams of the Trent, and running in a northerly direction a course of about two hundred miles; on observing, however, its numerous rapids and cascades, as well as the falls at the Chats and Chaudières on the Ottawa, it was evident that the bed of the Mississippi was far too elevated, and that as the lockage to attain and descend from the summit pond would be enormously expensive, no Canal would be practicable in that direction.

The Rideau River seemed to oppose fewer obstacles, and it also presented a shorter course from Kingston to the still water of the Ottawa below the Chaudières Falls; the examination of the Petit Nation River, which was more distant and less promising, though also in contemplation, was postponed until the localities of the Rideau had been fully explored.

The engineer was therefore instructed to commence his surveys near Kingston, and to gain the Rideau (if possible, below the lake of that name) by the most direct line, and the lowest summit he might discover. It was at the same time suggested that he would probably meet with the lowest summit at a place in the township of Kitley, called Plum Hollow, where the waters of the Rideau and Gananoque very closely approach each other.

With these general views for his guidance, the engineer begun to explore the level on the 12th day of June. and continued incessantly engaged with it until the 15th day of November, when the severity of the weather and the necessity of reporting on the progress of the survey, put a period to his operation. The result, so far as there was time to proceed this season, is detailed in the following statement furnished by the engineer, and will be further elucidated by the accompanying Maps and Plans.

ESTIMATE, in so far as the Survey has been completed, for a CANAL intended to connect LAKE ONTARIO with the OTTAWA River, of the following Dimensions; viz. seven feet in depth, forty feet in width at the bottom, and sixty-one feet in width at the surface of the water; the banks to slope one foot and a half to one foot perpendicular; the locks to be one hundred feet in length by twenty-two feet in width, with turning bridges twenty-two feet in the clear, and ten feet wide.

	No. of Cubic Yards.	Rate.		
			£. s. d.	£. s. d.
First and Second miles, from the foot of Bells Island to the proposed place of departure out of Kingston Bay, a distance of about two miles, it will be necessary to clear the channel, several shoals crossing the River,				
Clearing the channel, &c. the above distance	- - -	- - -	300 - -	300 - -

ESTIMATE for Canal—continued.	No. of Cubic Yards.	Rate.				Correspondence relative to the Canal Communi- cation in Canada,		
			£.	s.	d.	£.	s.	d.
Third mile commences with Lock, No. 1. of 4 feet lift (being a guard-lock) situated on a small island at the edge of the river, allowing a depth of 8 feet water at the lowest ebb, the 4 feet lift guards the Canal against a fluctuation of 4 feet in Lake Ontario, giving 3 feet cutting through black mud lying upon a strong blue clay, a distance of 42 chains across the marsh, thence, 38 chains up a small ravine composed of soil and clay, excellent for a Canal. In the last distance of 38 chains, there is a rise of 15 feet 13 decimals, and it contains Lock, No. 2, of 7 feet lift and Lock, No. 3 of 8 feet lift, bottom level of the Canal 15 feet; this mile crossing the main road from Kingston to Montreal, it will be necessary to have a turning Bridge.								
Cutting - - - - -	49,744	5 d.	1,036	6	8			
Puddling - - - - -	7,857	4 d.	130	19	-			
Lock, No. 1, 2 & 3 - - - - -	- -	- -	5,614	-	-			
Grubbing - - - - -	- -	- -	50	-	-			
Fencing - - - - -	- -	- -	32	-	-			
One Bridge - - - - -	- -	- -	110	-	-	6,973	5	8
Fourth mile is composed of a light soil upon a strong clay; near the commencement of this mile stands Lock, No. 4, an 8 feet lift, bottom level 23 feet; in this mile a great quantity of extra cutting is unavoidable. The River Cataraguay above the mills lying 28 feet 28 decimals higher than Kingston Bay, prevents our placing another Lock here, and it will therefore be necessary to have an extra waste weir 60 feet wide at the end of 1722 yards, to let off the surplus water to Kingston Mills.								
Cutting - - - - -	140,319	5½ d.	3,215	12	10½			
Puddling - - - - -	1,174	4 d.	19	11	4			
Lock, No. 4 - - - - -	- -	- -	1,982	-	-			
Grubbing - - - - -	- -	- -	60	-	-			
Fencing - - - - -	- -	- -	32	-	-			
Extra waste weir - - - - -	- -	- -	21	-	-	5,330	4	2½
Fifth mile commences in Kingston Mill Pond, the River forming a natural Canal with little alteration except such as straightening the sudden curves, &c. the excavation consists of black mud and clay. It is proposed to follow the natural stream from Kingston mill pond to the round tail.								
Cutting - - - - -	19,813	4 d.	330	4	4			
Puddling - - - - -	8,067	4 d.	134	9	-			
Grubbing - - - - -	- -	- -	30	-	-			
Fencing - - - - -	- -	- -	32	-	-	526	13	4
Sixth mile consists of a strong clay excavation favourable, the natural bed of the River requiring little alteration.								
Cutting - - - - -	6,109	6 d.	152	14	6			
Puddling - - - - -	1,584	4 d.	26	8	-			
Grubbing - - - - -	- -	- -	20	-	-			
Fencing - - - - -	- -	- -	32	-	-	231	2	6
Seventh mile resembles the preceding. It is a little above the level, and the extra cutting lies very conveniently for raising the banks, &c. in this mile is Lock, No. 5 of 7 feet lift, bottom level 30 feet.								
Cutting - - - - -	51,176	6 d.	1,279	8	-			
Puddling - - - - -	3,535	4 d.	58	18	4			
Lock, No. 5 - - - - -	- -	- -	1,866	-	-			
Grubbing - - - - -	- -	- -	100	-	-			
Fencing - - - - -	- -	- -	32	-	-	3,336	6	4

(continued.)

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ESTIMATE for Canal—continued.				N ^o of Cubic Yards.	Rate.	£.	s.	d.	£.	s.	d.	Correspondence relative to the Canal Communi- cation in Canada.
Sixteenth mile, there is a little extra cutting required. The earth answers to the description of the last mile being easy to excavate, in this mile stands Lock, No. 7, of 9 feet lift, bottom level of the Canal, 49 feet.												
Cutting	-	-	-	24,766	4 d.	412	15	4				
Puddling	-	-	-	1,936	4 d.	32	5	4				
Lock, No. 7	-	-	-	-	-	2,207	-	-				
Grubbing	-	-	-	-	-	40	-	-				
Fencing	-	-	-	-	-	32	-	-				
									2,724	-	8	
Seventeenth mile, for the first twenty chains runs near the level, and from thence to the end rises above it; at the end of this mile stands Lock, No. 8, an 8 feet lift; bottom level 57 feet, the same uniformity of earth continues.												
Cutting	-	-	-	48,159	4 d.	802	13	-				
Puddling	-	-	-	6,479	4 d.	107	19	8				
Lock, No. 8	-	-	-	-	-	2,048	-	-				
Grubbing	-	-	-	-	-	30	-	-				
Fencing	-	-	-	-	-	32	-	-				
									3,020	12	8	
Eighteenth mile, for the first 33 $\frac{1}{2}$ chains the River will require deepening, the banks dressing, &c.; at the end of 34 chains stands Lock, No. 9, of 7 feet lift, bottom level 64 feet, it will be necessary to remove Brewer's Mill, there being high rocks east and west of it; from thence we have a natural Canal 46 chains, requiring only to remove the dead timber out of the River, and to form a towing-path on one side of it.												
Cutting	-	-	-	24,376	4 d.	406	5	4				
Puddling	-	-	-	3,239	4 d.	53	19	8				
Lock, No. 9	-	-	-	-	-	1,866	-	-				
Grubbing, &c.	-	-	-	-	-	100	-	-				
Fencing	-	-	-	-	-	32	-	-				
									2,458	5	-	
From eighteenth to twenty-eighth mile, twenty-four and half chains after commencing the nineteenth mile, stands a place called the Round Tail. It is proposed to raise the water at this place, as well as in the Cranberry Lake and the drowned lands, 7 feet perpendicular, by constructing a Lock and waste weir at the head of the Round Tail, and a waste weir at the White Fish Falls. These waste weirs being designed to let off the surplus water and to guard the Canal from the injurious effects of a sudden rise, should be composed of substantial masonry. Lock, No. 10, being a lift of 7 feet 45 decimals, stands at the head of the Round Tail, bottom level 71 feet 45 decimals.												
Very formidable difficulties would be encountered in attempting to cut through the marshy land it is now proposed to drown, and it would be necessary in many places to fill and plank each side of the Canal. The additional expense which would thus be incurred, is calculated not to fall short of £.24,925; on the east side of the Lock should stand a turn Bridge, so that the walls forming the Lock may serve as its abutments, and thus save nearly half the expense of the Bridge if placed on any other part of the Canal:												
Cutting	-	-	-	4,000	7 d.	116	13	4				
Puddling	-	-	-	500	4 d.	8	6	8				
Lock, No. 10, waste weir, &c.	-	-	-	-	-	2,182	-	-				
Cutting and removing dead timber	-	-	-	-	-	760	-	-				
One Bridge	-	-	-	-	-	50	-	-				
									3,117	-	-	

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ESTIMATE for Canal—continued.		No. of Cubic Yards.	Rate.	£. s. d.			£. s. d.
Twenty-ninth mile commences at the foot of Jones' Falls, and connects the drowned lands with Davis' Lake. In this mile there is a rise of 60 feet 91½ decimals, requiring six Locks; viz. four of 10 feet lift each, one of 10 feet 50 decimals, and one of 10 feet 41½ decimals; the bottom level of the Canal at the head of the falls is 132 feet 36½ decimals. The situation of each Lock is so managed that double Locks are avoided while a pound is reserved between each, sufficiently wide for vessels to pass each other. It is proposed, from the head of the falls across all the Lakes, as well as their inlets and outlets, to allow 8 feet water in order to guard against evaporation, &c. to the extent of one foot perpendicular. The natural position of the falls being very favourable, no extra cutting will be necessary.							
Cutting rock	- - - -	13,400	3 s.	2,010	-	-	
Cutting rock and loam	- -	6,857	2 s.	685	14	-	
Puddling	- - - -	4,160	6 d.	104	-	-	
Locks, Nos. 11, 12, 13, 14, 15 & 16	- -	- -	- -	13,996	-	-	
Opening into Davis' Lake	- -	- -	- -	206	11	6	
Grubbing	- - - -	- -	- -	80	-	-	17,082 5 6
Twenty-ninth to thirty-second mile; the line of the Canal crosses Davis' Lake, and enters Opinicow Lake. At Davis' Mill there is a rise of 7 feet 29 decimals, requiring one Lock of that lift; bottom level 139 feet 65½ decimals, a bridge constructed across the Lock as at the Round Tail, Davis' Lake will be raised 4 feet.							
Cutting rock	- - - -	2,539	3 s.	380	17	-	
Ditto clay	- - - -	352	7 d.	10	5	4	
Ditto ditto	- - - -	3,931	4 d.	65	10	4	
Puddling	- - - -	1,321	4 d.	22	-	4	
Lock, No. 17	- - - -	- -	- -	1,866	-	-	
One Bridge	- - - -	- -	- -	50	-	-	2,394 13 -
Thirty-second to thirty-fourth mile; the line of the Canal crosses Opinicow Lake, and enters Indian Lake at Chafey's Mill; there is a rise of 14 feet 45 decimals, requiring two Locks, each with a lift of 7 feet 24½ decimals, a Bridge as at the Round Tail. The water will be raised 4 feet in Opinicow Lake, and 5 feet in Indian and Mud Lakes; the summit pound commences at Chafey's Mill; bottom level of the Canal 154 feet 10½ decimals.							
Cutting rock	- - - -	11,761	2 s.	1,176	2	-	
Ditto clay	- - - -	2,052	8 d.	68	8	-	
Puddling	- - - -	1,000	4 d.	16	13	4	
Locks, No. 18 & 19	- - - -	- -	- -	3,732	-	-	
One Bridge	- - - -	- -	- -	50	-	-	5,043 3 4
Thirty-fourth to forty-third mile; the line of the Canal passes through Indian Lake up the outlet of Mud Lake and through that Lake to the place of departure into the Rideau, a distance of eight miles. It is proposed to raise the water perpendicular, thereby acquiring at a trifling expense a good and safe navigation, besides placing all those Lakes on a level with Rideau Lake, and forming an extensive summit pound. The 43d mile connecting Mud and Rideau Lakes, occasions some extra excavation as it passes through a summit of 38 feet 32 decimals for a short space, and then falls near the level; the nature of the excavation through the ridge being rock, it is proposed to make the cut in that part 24 feet wide at the bottom, sloping 6 inches to the yard perpendicular, and in the clay excavation to make the cut 22 feet wide at the bottom sloping 1½ feet to 1 foot perpendicular; a bridge will be necessary for which the sides of the rock excavation will form abutments.							
Cutting rock	- - - -	32,187	3 s. 4 d.	5,364	10	-	
Ditto clay	- - - -	195,324	6 d.	4,883	2	-	
Grubbing	- - - -	- -	- -	80	-	-	
Fencing	- - - -	- -	- -	32	-	-	
One Bridge	- - - -	- -	- -	60	-	-	10,419 12 -

ESTIMATE for Canal—continued.	No. of Cubic Yards.	Rate.							Correspondence relative to the Canal Communi- cation in Canada.
			£.	s.	d.	£.	s.	d.	
Forty-third to forty-seventh mile; the course of the Canal is down the Rideau Lake to the first or upper narrows, where the navigation is obstructed for a distance of $5\frac{1}{2}$ chains; the excavation through rock at this place, will be 24 feet wide at bottom, in the centre, and 40 feet at each end, a bridge will be necessary as the intended road from Perth to Kingston is to cross at this spot.									
Cutting rock - - - -	2,988	3 s. 4 d.	498	-	-				
One Bridge - - - -	-	-	60	-	-				
						558	-	-	
Forty-seventh to sixty-fifth mile, the Canal continues down the Rideau Lake and requires no expense. The total length of the summit pound on the line of the Canal is thirty-one miles, exclusive of that part of the Lake which lies westward of the route, and which is estimated at seven miles in length.									
TOTAL -	-	-	-	-	£.	69,783	-	1 $\frac{1}{2}$	

Thus it appears that a good and easy navigation 65 miles in length for vessels drawing 6 feet water carrying 120 tons, and capable of braving the weather on Lake Ontario, might be acquired at an expense not exceeding £. 70,000 a sum absolutely insignificant, when compared with the magnitude of the object, for attaining which it would be applied.

In making the foregoing estimate, the engineer has bored the ground wherever excavation would occur to the depth of the botton level of the Canal, and has thus accurately ascertained the nature of the various strata of earth and rock along the whole line.

As the bed of the River Cataraquay, at Kingston mills, is used for the Canal, it will be necessary at the back of each lock to construct a waste weir 40 feet in width, to protect the work against the dangers of floods ; from Kingston mill pond as far as the round tail, the excavation is so favourable for raising the banks, and is besides so easy, that the expense of the Canal between those points is very moderate.

In the eighteenth mile stands Brewer's mill, which should be removed, as a lock would unavoidably occupy its site. The position of every lock as far as Jones' rapids is so judiciously selected, that no rock excavation occurs from Kingston harbour until the line of the Canal reaches the foot of Jones' Rapids, a distance of 28 miles.

A bed of clay throughout separates the lime stone rock on the west from a species of rock resembling granite which runs along the eastern bank : to which fortunate circumstance is to be ascribed the facility and cheapness with which this part of the work may be effected.

From the Round Tail to Jones' Rapids there is a wide extent of low marshy ground naturally inundated every spring. On one part of the western or White Fish branch by the Gananoque, and on another by the superfluous waters of the Loughborough Lake, Dog Lake, &c. the inundation of this tract is rendered permanent to a greater depth by means of dams placed at the Round Tail and the White Fish Falls by the proprietors of mills at those places.

In connecting the Canal at the Round Tail with the Gananoque River, the engineer might either make a cut across the intervening flats, or by dams at the outlets, he might convert them into one extensive lake, comprising Cranberry Lake, and another smaller one in its vicinity. The difficulties attending the former plan are numerous and important, in many places it would be necessary to drive piles and secure the banks of the Canal by planking them, and the excavation would be very troublesome in consequence of having to contend with water and a soft mud extending several yards in depth.

At a moderate calculation it is supposed that the cost of a cut at this place would not be less than £. 3,175. per mile, the distance is about nine miles and a half, of which

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which one mile and a half would be rather favourable. The whole expense is therefore estimated in the aggregate for the nine miles and a half at £. 25,650; by the latter plan the water would be raised to a depth of seven feet over the whole surface of the flats to the foot of Jones' Rapids. The expense of forming waste weirs at the Round Tail and White Fish Falls, clearing the timber from the direct line of the Canal on the flats, would amount to £. 725., and as the difference between the two plans amounts to £. 24,925. the advantages of inundating the tract instead of cutting through it, obtains a decided superiority. The owners of the land would no doubt require compensation for the loss of their property, but its total value in its present state cannot by any mode be estimated to exceed £. 1,500. including the reservations for the crown and clergy, which sum may be added to the estimate.

The twenty-ninth mile connects the drowned lands with Davis' or West Lake, and embraces Jones' Rapids where the Gananoque descends 60 feet 91 $\frac{1}{2}$ decimals over a narrow rocky channel, confined within precipitous banks of great elevation, which retire at intervals more or less from the bed of the stream; although the expense of this will be great, it is far less than any other route to the east or west of it. A certain rise in the line of the Canal was inevitably to be encountered; and no place could be discovered for this purpose presenting fewer obstructions than that in question. In fixing the situation of the six locks which are here required, occasion is taken to provide a reservoir between each, varying from one to four chains in width, and forming a pound sufficiently spacious for vessels coming in opposite directions to pass each other.

By dams at the outlets of the several lakes between Jones' Rapids and the Rideau, the water is raised to the required depth of the Canal without inundating much land of any value. From the peculiar formation of the country, all the good land lies high, and marshy lands principally are covered by means of the proposed dams. The difficulties attending rock excavation are exhibited by the estimate for the cut between Mud and Rideau Lakes, where a ridge of rock occurs for a short space, and hence a fair conjecture may be formed of the expense which would be incurred in deepening the bed of the lakes by removing, not merely sand bars, but shoals of rock remarkably solid and difficult to be blasted.

Such an enterprize would indeed be nearly impracticable, and if attempted would occasion an incalculable waste of money; by means of dams every obstacle is overcome, and the water is raised to a proper depth at a trifling expense.

The rock at the Indian carrying place has alone prevented the Rideau and Mud Lakes from uniting without the aid of art. In cutting through this rock, Indian, Mud, Rideau and Clear Lakes are placed on the same level, and this constitutes a magnificent summit pound thirty-one miles in length on the course of the Canal, at an elevation of 154 feet 10 $\frac{1}{2}$ decimals above Lake Ontario. In addition, there are several extensive lakes lying west of the line on the same level or above it, besides an arm of the Rideau Lake itself, which stretches off in a south-westerly direction. There can therefore be no cause to dread a want of water, for with the most extensive trade which can be anticipated, the summit pound would still remain an inexhaustible reservoir during the most arid seasons.

In the proposed cut between Mud and Rideau Lakes the width of the Canal is reduced, where rock excavation occurs, to 24 feet at the bottom and 43 feet at the top water line, which produces a saving of expense without the risk of any inconvenience to trade at a future day.

By the plan of the bridges, of which, owing to the nature of the country, six only would, for a length of time, be required, the engineer has ingeniously effected additional savings, for he makes the side walls of the locks supply the place of abutments.

The form of the bridges, which are intended to admit vessels with mast and standing rigging, perhaps renders the plan more feasible on the proposed Canal than on such as do not afford similar advantages to the craft which ply on their waters. A circumstance which may not be unworthy of remark is, that on the whole route, so far as the survey has been completed, *i. e.* on a line of 65 miles, neither embankment or culvert is required, and it is questionable whether this fact has a parallel in Canal surveying. Though the plain reason of this singularity is, that the natural course of the waters has been studiously adhered to, it nevertheless illustrates

illustrates the uncommon facilities of the route more amply than the most laboured arguments or abstract calculations.

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It will be observed, that the original idea of passing through Plum Hollow, founded on a presumption that the lowest summit would be found in that quarter, and adopted also on account of that place, lying nearly in a direct line from Kingston to the mouth of the Rideau, was abandoned, on its being ascertained that Plum Hollow, which appears low to the eye from its position in the neighbourhood of elevated ridges, was actually 156 feet $49\frac{1}{2}$ decimals higher than Lake Ontario, and consequently 2 feet 39 decimals above the bottom level of the present summit pound. There were other difficulties to be surmounted on this route; to supply the summit level, a feeder would have been required 10 miles in length from the big bay in the Rideau Lake, the construction of which would be a serious affair, as an intervening summit of limestone, 36 feet above the level, would have occasioned a heavy expenditure of money. The summit pound itself would not have extended beyond a few hundred yards, while the cost incurred for supplying it with water, would have tripled that of the route by Jones' Rapids and the lakes. Besides these objections to the route by Plum Hollow, two summits would have been requisite on that line. The flats between the Round Tail and the White-Fish Falls would have become the first summit, from which there would have been a descent by two locks at White Fish Falls into one of the Gananoque Lakes, called Henderson's or East Lake. From thence the route would have led through the Bastard Lakes to the second summit at Plum Hollow, and have reached the River Rideau by way of Irish Lake and Creek.

The line of the Canal is undoubtedly lengthened about 20 miles by abandoning this course and assuming the more circuitous one by the lakes; but the great saving of expense in the latter, and the benefit which would be derived from it by the rising settlements near the Rideau Lake, added to various other considerations, more than outweigh the disadvantages of increased length.

From the rugged and broken nature of those parts of Pittsburgh and South Crosby through which the various levels were conducted, from the numberless rocky eminences, marshes, bogs, &c. every where encountered, and in the scanty information to be gained in any other way than by personal examination of a tract of country which still remains almost in its primeval state, there unavoidably resulted much delay and occasional perplexity.

It was desirable to select the nearest, most advantageous and easiest course for the contemplated Canal, and for attaining this end every lake, ravine and marsh required to be minutely explored. The field books of the engineer will more clearly exhibit the difficulties against which he was obliged to contend in executing this part of his duty, as well as the numerous routes which, after being pursued for some time with ardent hope, led only to disappointment.

On giving up the route by Plum Hollow, the engineer endeavoured to avoid the expensive work at Jones' Rapids, by discovering, if possible, an easier way of encountering the rise to the summit at some point westward of those rapids. With this view Loughborough, August and September Lakes were examined, on the supposition that they might be connected with the Opinicon, which lies above Davis' Lake; but Loughborough Lake was found to be elevated 177 feet $37\frac{1}{2}$ decimals above the level of Lake Ontario, and 23 feet 27 decimals higher than the summit pound. Another level, through Dog, Troy, and Traverse Lakes, to Davis' Lake, failed, as a rocky summit of 70 feet above the level, presented an impassable barrier between the two latter lakes. Various other attempts of a similar description proved equally abortive, and it became eventually necessary to return to the western branch of the River Gananoque, and devise the best means of surmounting the impediments at Jones' Rapids; much time was thus unavoidably consumed in examining routes which proved to be impracticable; and as no part of the country could be left unexplored which afforded the slightest hope of a lower summit and greater facilities, the unremitting labours of the engineer and his party, during a season unusually favourable, were insufficient to determine the whole line of the Canal from Kingston to its junction with the Ottawa.

The distance from the point of departure in Kingston harbour to Chafey's Mills, at the outlet from Indian Lake, is about 34 miles; in addition to which there is a navigation, created by means of the cuts at the Rideau carrying place, and the

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upper narrows, of 31 miles, forming a total of 65 miles of navigation surveyed and estimated. The distances here computed, it may be remarked, are not perfectly correct, as several of the lakes, which were never accurately surveyed, could not be conveniently measured during summer; this operation was therefore deferred until the ice should afford an opportunity of accomplishing it with greater facility, accuracy and dispatch, and the land-surveyor is now engaged in its execution.

From the lower end of Rideau Lake, where the summit pound terminates, to the foot of the Chaudières Falls in the township of Nepean, the distance, by following the windings of the Rideau River, is about 60 miles, which will probably make the total length of the Canal, from Lake Ontario to the River Ottawa, about 125 miles.

Owing to the causes already adverted to, the line of the Canal through the last 60 miles could not be established this year. By dint of exertion, however, the engineer carried a level down to the Ottawa River, at the village of Sherwood, below the Chaudières, and ascertained the descent from the summit level to be 268 feet 33 $\frac{1}{2}$ decimals; this fall, when added to 154 feet 10 $\frac{1}{2}$ decimals, the rise from Lake Ontario to the summit level, makes an aggregate of 422 feet 44 decimals, for which no fewer than 45 locks will be required.

The difficulties which may occur in that part of the line of the Canal which remains to be laid down, are not supposed to be important, and will not probably occupy much more than three months next season. The expense of locks for the descent is certain and inevitable, and the chief care of the engineer will be required in selecting favourable ground and avoiding rock excavation. It is hoped that about 20 miles of the Rideau River, which, for that distance, is still and sufficiently deep, may be taken into the line of the Canal; and, should this be found practicable, a material reduction may thus be effected in the general estimates.

On a review of the summer's operations, the Commissioners have every reason to be gratified with their result, and they respectfully beg leave to bring under notice the benefit which has been derived from the long experience and professional ability of their chief engineer, Mr. Samuel Clowes, aided as he was by the zeal and assiduity of his assistant, Mr. James Clowes, and of the land-surveyor, Mr. Reuben Sherwood.

The accounts herewith submitted will explain the amount of disbursements during the year, which have been directed by the most rigid economy, consistent with the objects of the commission.

Should the duration of the Statute under which the Commissioners have acted be extended, an additional grant will be required for the purpose of completing the interior survey now in progress, as the arduous nature of the operations prevented its entire completion this season, according to the original expectations of the Board.

It would also be proper to carry into effect the plan for exploring the River St. Lawrence below Prescott, adverted to in the first Report, in the event of the determination made by the arbitrators last summer on this important subject not being sanctioned by the legislatures of the two Provinces.

It is therefore hoped that the same enlightened patriotism which originally suggested the Canal surveys, will watch over them until they shall be perfected, and until the capabilities of the country for internal improvements, vast and noble as they are, shall have been fully investigated and made known.

The Commissioners, before concluding, conceive it incumbent on them to state their regret, that this Report was not presented at an earlier period of the present Session of Parliament, no exertion was spared for that purpose, but the calculation necessary in framing the Estimates demanded considerable time, and the engineer could not be suddenly withdrawn from his levels without great inconvenience.

All which is humbly submitted,

(signed) *John Macaulay.*
Charles Jones.
James Gordon.
Robert Nichol.

York, 20th December 1823.

SIR,

*To John Macaulay, Esquire, President, Canal Commission.*Correspondence
relative to the
Canal Communi-
cation in Canada.

HEREWITH you will receive separate Estimates for connecting Lakes Ontario and Burlington by a Canal of 12 feet deep water, 32 feet wide bottom; one of 14 feet deep water, 39 feet wide bottom; one of 18 feet deep water, 45 feet wide bottom; and one of 23 feet deep water, 60 feet wide bottom. The width of each Canal is the narrowest space between piers for a bridge through which His Majesty's ships and vessels, drawing the depths of water above mentioned on Lake Ontario, could pass with safety, which gives the width of the bottom of the several Canals.

Where excavation is necessary, the banks of each are calculated to slope $1\frac{1}{2}$ feet to 1 foot perpendicular. In order to have made a true estimate, the beach between Lake Ontario and the pond in front of Mr. Brant's house, and also the gravel bank between the said pond and Burlington Lake ought to have been bored, and thereby the nature of the earth accurately ascertained, as well for estimating the excavation between the lakes, as for driving the piles for piers in the lakes.

In consequence of this work not having been done, I have supposed it to consist of sand, gravel, clay and soft slate stone, agreeable to the particulars marked upon the Map.

The following Specification shows the particulars from whence arises the aggregate of each Estimate.

S P E C I F I C A T I O N.

EACH pier, for the distance of 100 yards from the beach into Lake Ontario, to consist of two rows of piles, each pile to be driven 6 feet deep, the water varying from 1 to 5 feet deep. The next 100 yards, (making 200 yards from the beach into Lake Ontario), to consist of two rows of piles, and each pile to be driven 7 feet deep, the water varying from 5 to 7 feet deep. The next 100 yards, (making 300 yards from the beach into Lake Ontario), to consist of three rows of piles, each pile to be driven 8 feet deep, the water varying from 7 to 9 feet deep. The next 60 yards (making 360 yards from the beach into Lake Ontario), to consist of three rows of piles, each pile to be driven ten feet deep, the water varying from 9 to 12 feet deep, 360 yards being the shortest distance from the beach into Lake Ontario, and the length of piers required for the first or 12 feet deep Canal.

From thence to 14 feet deep water, is a distance of 140 yards, (making 500 yards from the beach into Lake Ontario), the pier to consist of three rows of piles, each pile to be driven 12 feet deep, 500 yards being the shortest distance from the beach into Lake Ontario, to 14 feet deep water, and the length of piers required for the second or 14 feet deep Canal.

Thence 170 yards from 14 to 18 feet deep water, (making 670 yards from the beach into Lake Ontario to 18 feet deep water) to consist of three rows of piles, each pile to be driven 12 feet deep, 670 yards being the shortest distance from the beach to 18 feet deep water into Lake Ontario, and the length of the piers required for the third or 18 feet deep Canal.

Each pile for the first 200 yards, from the beach into Lake Ontario, to measure 1 foot diameter 6 feet from the bottom end of the pile. Thence 160 yards, (making 360 yards from the beach into Lake Ontario,) to measure 13 inches diameter 9 feet from the bottom end of the pile. Thence 140 yards, (making 500 yards from the beach into Lake Ontario), to measure 14 inches diameter 12 feet from the bottom end of the pile. Thence 170 yards, (making 670 yards from the beach into Lake Ontario), to measure 15 inches diameter 12 feet from the bottom end of the pile; each pile to be shod with wrought or cast-iron, a strong iron hoop to be fitted on the end of each pile while driving, to prevent the same from splitting, and afterwards to be removed.

Between each pile to measure 2 feet in the clear, lineal measure, and 4 feet from outside to outside where there are two rows of piles, and 5 feet from outside to outside where there are three rows of piles, each pile in the first and second row to be grooved on each side, 3 inches wide and 2 inches deep, to admit a pile plank from the top of the pile to 1 foot below the depth of water in which they stand, the piers in Lake Ontario to stand 5 feet above water level, between the piles in

the

Correspondence
relative to the
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cation in Canada.

the first and second row to have a pile plank 2 feet 4 inches wide and 3 inches thick, a sil plank, the vacant space between the piles to be filled with earth free from large stones, to form a puddle from the breach to the end in Lake Ontario; behind each pier loose stone to be thrown in such quantities as to be 3 feet wide at the top of each pier, forming its own slope; part of the excavation to be thrown at the back of the said stone, to form a bank of 3 feet wide finding its own slope, making the piers in Lake Ontario 11 feet wide, 5 feet above water level, and thereby forming one solid mass.

A bunting piece 12 inches deep and 9 inches thick, to be fixed at water level the whole length of the pier, circling 6 inches from the bottom to 3 inches thick at the top, and fastened with spike nails 15 inches long, of half-inch square iron, one to every pile or 3 feet asunder, above which, to the top of the said piers, as well as across the top, to be planked with 3-inch planks and fastened with 5-inch spike nails on every pile, and round the end of each pier the piles to be fastened together with cramps of 1½-inch square iron.

The excavation between the piers to be allowed to slope 1½ feet to 1 foot perpendicular, exclusive of a beam on each side of the top of the said excavation of 2 feet wide, to guard and strengthen the piles against any underset arising from easterly gales, which makes the width of the surface of water for the 12-foot Canal, 72 feet wide; for the 14-foot Canal, 85 feet wide; for the 18-foot Canal, 103 feet wide; and for the 23-foot Canal, 133 feet wide; which may be seen by a reference to the Map.

In the excavation through the beach, between Lake Ontario and the pond where the road is, it will be necessary to have a single turn bridge for the 12-foot canal, or a double one for the 14 and 18-foot canals; the abutments for each to be composed of masonry 6 feet thick in the centre and 4 feet thick in the wing walls, the whole to be of good sound stone properly bedded, jointed, and set in lime mortar, and the part facing the Canal well hammered or dressed, and no course or layer of stone less than 12 inches thick, and the top course or layer, called coping stone, to be 2 feet thick, and each stone to be 3 feet long, the wing walls circling round, so as to be at the end of the same width as the piers and centre, agreeably to the dimensions of the said depths; it will be necessary on the south side of the Canal, to extend a pier from the east end of the pond westward, 130 yards long to 12 feet deep water in the pond opposite Mr. Brant's house, for the 12-foot Canal, the north shore forming a pier on its own side.

An additional length of pier on the south side will be required of 150 yards for the 14-foot Canal, and of 300 yards for the 18-foot Canal—the north shore still forming its own pier; this pier to consist of two rows of piles, and to be made in every respect the same as the first 100 yards from the beach into Lake Ontario.

The top excavation between Lake Ontario and the pond to have a berm of 6 feet wide on each side at the height of the piers, or 5 feet above water level, so that the piers in Lake Ontario, as well as the excavation across the beach, and the pier opposite Mr. Brant's house, the bridge, &c. may have a uniform appearance.

At the head of the said pond, where the gravel bank commences, from 12 feet deep water in the pond to 12 feet deep water in Burlington Lake, is a distance of 360 yards; from 14 feet deep water in the pond to 14 feet deep water in Burlington lake, is a distance of 400 yards; from 18 feet deep water in the pond to 18 feet deep water in Burlington Lake, is a distance of 520 yards.

Commencing in the head of the pond at 12 feet deep water with two piers, each pier for the distance of 75 yards, to consist of two rows of piles to be driven 8 feet deep, the water varying from 12 to 3 feet deep; thence crossing the gravel bank to 4 feet deep water in Burlington Lake, a distance of 100 yards (making 175 yards,) to be driven 6 feet deep; thence from 4 to 8 feet deep water in Burlington Lake, a distance of 125 yards, (making 300 yards,) piles to be driven 8 feet; thence from 8 to 12 feet deep water in Burlington Lake, a distance of 60 yards, (making 360 yards), piles to be driven 10 feet deep; these piers to be finished in every respect the same as the first 100 yards from the beach into Lake Ontario, except that they are to stand 4 in lieu of 5 feet above the surface of the water.

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From 12 to 14 feet deep water in the pond and Burlington Lake, to be finished with three rows of piles, the same as in Lake Ontario, exclusive of standing 4 in lieu of 5 feet above water level. From 14 feet to 18 feet deep water in the pond and Burlington Lake, to be completed as in Lake Ontario, except standing 4 in lieu of 5 feet above water level. The width between the piers at the Burlington end of the work, to correspond, in every respect, with those of Lake Ontario as shown on the Map. By a reference to the Map it will be seen, that the 23-feet Canal will be formed at the least possible expense, 1,430 yards south of the other proposed route for minor cuts, or 440 yards north of the present bridge crossing the outlet.

From 2 feet deep water in Lake Ontario, to 4 feet deep water in Burlington Lake, is a distance of 567 yards, the piers for this distance to consist of 2 rows of piles, each pile to be driven 6 feet deep. From 4 feet deep water in Burlington Lake to 12, a distance of 212 yards, the piers to consist of two rows of piles driven 8 feet deep; thence from 12 feet deep water to 23, a distance of 198 yards, to consist of 3 rows of piles driven 12 feet deep.

From 2 to 6 feet deep water in Lake Ontario, a distance of 100 yards, to consist of 2 rows of piles, driven 7 feet deep. From 6 to 12 feet deep water, a distance of 200 yards, to consist of 3 rows of piles, driven 12 feet deep.

The piers, excavation, bridges, &c. to be finished in every respect as specified in the minor Canals.

From 23 feet deep water in Burlington Lake to 23 feet deep water in Lake Ontario, is a distance of 1,650 yards, as may be seen on reference to the Map.

ESTIMATES.

Depth of Water in feet.	Width of Bottom, in feet.	Width of Surface, in feet.	TOTAL AMOUNT.		
			£.	s.	d.
12	32	72	7,910	18	1
14	39	85	12,984	13	10
18	45	103	20,975	19	9
23	60	133	48,227	2	4

The above estimates are founded on manual labour, &c. as at the present time.

Good able and skilful labourers are allowed 2s. 6d. per day.

Mechanics from 3s. to 5s. per day.

Materials are calculated at prices current at the present time.

The contractor to find all machinery for driving piles, pumping water, schow, boats, tools and utensils of every description at his own expense, only to be allowed to procure whatever timber may be wanted for piers, bridge, machinery, &c. on government land in the vicinity of the Canal. No other timber to be used for piers, &c. than cedar, pine and white oak.

I am, Sir,
Your obedient servant,
(signed) Sam. Clowes,
Civil Engineer.

Kingston, 29th November 1823.

P. S.—The estimate delivered last winter to the honourable Board of Commissioners, as mentioned in their first Report to connect Burlington Lake with Ontario, was from necessity founded on information (since found to be rather defective), the weather at that time did not permit the marine surveyor to ascertain the distance from the beach into Lakes Ontario and Burlington, to the depth of water required, and this circumstance will account for the difference in the estimates.

S. C.

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relative to the
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cation in Canada.

Supplementary REPORT of the Commissioners appointed by his Excellency the Lieutenant Governor, in conformity to the provisions of an Act passed in the second year of His Majesty's reign, intituled, "An Act to
" make provisions for the Improvement of the Internal Navigation of this
" Province."

THE Commissioners of the Internal Navigation beg leave to submit to your Excellency certain Plans and Estimates for the construction of a safe and commodious Harbour at Burlington Bay, on different scales of magnitude, to which is appended the correspondence on the subject with His Majesty's naval Commissioner in Canada.

It is considered unnecessary to offer any observations on the importance of a harbour at the head of the lake, and the advantages which might accrue from a joint application to the same purpose of the late provincial appropriation, and such aid as the Lords Commissioners of the Admiralty might be induced to authorize.

It was the intention of the Board to have examined, in the course of the season, the nature of the ground at Burlington Beach, by boring to the requisite depth, and also to have completed the upper survey by fixing on the course of the feeder, as that work could not be performed last year; the full occupation given the engineer on the lower route, did not, however, leave any time for the accomplishment of this object.

York, 20th December 1823.

(signed) *John Macaulay.*
Charles Jones.
James Gordon.
Robert Nichol.

No. 25—LETTER from *R. Byham*, Esq. to *R. W. Horton*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 3d April 1826.

BY command of the Lieutenant-General and Board, I have the honour to transmit to you the enclosed letter dated 22d *ultimo*, from General Mann, with accompanying papers, relating to the Rideau Canal proposed to be constructed in Canada; and I am to request you will submit the same to Earl Bathurst, the first convenient opportunity, apprising his Lordship that the Lieutenant-General and Board think it right to submit the papers to him before they prepare the instructions for Lieutenant-Colonel By of the corps of Royal Engineers, who is under orders to proceed to Canada, to superintend the construction of the Canal. I am further to state, that so soon as the Lieutenant-General and Board shall receive these papers back again, with any additions or observations which Earl Bathurst shall think proper to make thereon, the Lieutenant-General and Board will direct the proper instructions, grounded on the papers, to be prepared for Lieutenant-Colonel By; but they prefer postponing the preparation of such instructions until they are favoured with any observations Earl Bathurst may be desirous of making hereon.

I have, &c.
(signed) *R. Byham.*

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 26.—MEMORANDA from Major-General Sir *James Carmichael Smyth*,
to General *Mann*, &c. &c. &c.

14th March 1826.

THE following Memoranda relative to the proposed Water Communication between the Ottawa River and the Town of Kingston, upon Lake Ontario, contain every thing that has occurred to me as in my power to communicate which may be serviceable to Lieut.-Colonel *By*.

1.—THE object is, to form an uninterrupted Water Communication from Lake Ontario to the Ottawa River. As this undertaking is part of a system, of which the La Chine Canal and the Grenville Canal form portions, the absolute necessity of making the locks of this new Canal the same length and breadth as those already constructed and constructing upon the two Canals alluded to, cannot be too strongly impressed upon Lieut.-Colonel *By*. The locks must be 108 feet in length, and 20 feet in breadth.

2.—Strong representations will be made to Lieut.-Colonel *By* by many respectable inhabitants and several of the principal merchants, recommending the Canal to be conducted by Kyles Bridge, as being the nearest line, and requiring only a very short land-carriage; others will propose the Gananoqué River, instead of Kingston, as the most convenient termination of the Canal on Lake Ontario. In a point of view, these considerations might be worth attending to: as it is, however, an uninterrupted Water Communication between the Ottawa and Lake Ontario the Government have in view, and the circulation of gun-boats between Montreal and Kingston, that line only which will ensure these advantages must be adopted. The Canal must end at Kingston. The Canal will have to be conducted by the Rideau River, the Rideau Lake, the Mud Lake, Cranberry Marsh, and Kingston Mill-Stream.

3.—Lieut.-Colonel *By* is recommended to procure at Quebec, at the Commanding Engineer's Office, a copy of Lieutenant *Jebb's* Report upon the subject, as also a copy of his sketch of the ground: he will find both these papers very clear and satisfactory; he will, however, derive more detailed information from the Report of the Parliamentary Commissioners of Upper Canada, of the 5th February last, addressed to Sir Peregrine Maitland, and giving cover to three estimates for forming the Canal under consideration, drawn up by a very able practical civil engineer, Mr. Samuel Clowes, from actual survey and measurement. A copy of this Report, and of these estimates, Lieut.-Colonel *By* will be able to procure upon application at the proper office at York, and doubtless they will afford him very great assistance.

4.—The Americans have published, collected together in one octavo volume, all the periodical Reports of their Commissioners employed in carrying on their great Western Canal. I beg leave to suggest to Lieut.-Colonel *By* to procure this book from New York, as containing a great deal of valuable information: he will see the nature of the difficulties he will have to contend with, the great quantities of water (much more than in Europe) which, at the breaking up of the frost, will be apt to injure the Canal, if not guarded against by culverts and waste weirs; some interesting and instructive details as to the mode of excavating the Canal, and constructing such dams as were necessary; and, generally, many matters which may be of service upon the present occasion.

5.—I recommend Lieut.-Colonel *By* to go over the works of the La Chine Canal in company with the Commissioners of the Parliament of Lower Canada, under whose superintendence this truly valuable and magnificent undertaking (for a young country) has been constructed: he will find every thing here extremely well executed, and in a much more substantial manner than the American Canal, and will derive every information as to the price and cost of materials, workmanship and labour.

135.

6.—I am

Mem. 6. The Board conceive, that as the measure has, to a certain extent, been agreed to by Parliament, there is no objection to proceed with the work, without waiting each year for the notification of the Building Grant: as, however, the vote is to be taken in the Colonial Estimate, refer the point to Earl Bathurst. The Board concurs entirely.

6.—I am of opinion that it will be found more economical and more expeditious to execute the greater part, if not the whole, of the proposed Rideau Canal by contract. There will be no difficulty in finding contractors for the excavation. When the line is once traced and decided upon, the execution may be given out to contractors, allotting different lengths to different individuals, according to the means, and what they may be willing to agree for. I would ever contract under careful specifications for the lock, flood-gates and other particulars. The Americans made all their Western Canal by contract. The La Chine Canal has been contracted under agreements. Government would avoid the formation of an expensive establishment, which otherwise will be required. The labourers on the Grenville Canal are fed by the Commissariat have tents issued for their use, and have medical attendance; if the Ordnance hire artificers and work-people, and attempt to construct the Rideau Canal by day-work, they will be obliged to incur the same expense, and the establishment absolutely necessary to superintend such a considerable undertaking will be very numerous. I strongly recommend the execution of the work by contract in preference; the termination of the work at a fixed period may, in that case, be looked forward to. Three or four additional engineer officers, and the same number of intelligent clerks of works, will be all that will be required for the Rideau Canal, and whose services will be subsequently available for other operations: whereas, if it is attempted to execute this work by day-work, a large establishment will, in the first instance, require to be formed, and the termination of the Canal at any given period cannot be looked forward to with the same certainty. The only inconvenience attending the execution of the work by contract, that I am aware of, is, that, in that case, the whole of the cost must be asked for from Parliament at once, as the contractor must be at liberty to commence as early in the season as circumstances will permit, without waiting for the passing of an annual grant. He must be enabled to arrange for the feeding and lodging of his work-people for one or two years before; which he could not do if a fresh contract is to be entered into each season.

Mem. 7. Refer this to the Colonial Department. Col. By may take out a copy of the Defence Act, by which land required for the Public Service was bought by Government. The principle of which, under certain modifications, might be applicable to the land required in Canada. The Board also desire to draw Col. By's attention to the necessity of

7.—Lieut.-Colonel By will require a letter from the Colonial Office to the Governor General of Canada, and a more detailed one to the Lieut.-Governor of Upper Canada. He will require such assistance only from Lord Dalhousie as to be put in communication with the Commissioners of the La Chine Canal; but he will want from Sir Peregrine Maitland and the legislature of Upper Canada their aid in giving him possession of the land through which the proposed Canal is to be conducted. The sooner the subject of the land is arranged between the Colonial Office and the Government of Upper Canada the better. The moment the determination of Government to execute this canal is known, land which is at present waste and useless will rise in value. All preliminary arrangements upon this subject cannot too soon be made.

(signed) *J. Carmichael Smyth,*
M. General.

taking a sufficiency of land on such points of the Canal nearest to Kingston which, from their proximity to Lake Ontario, might require Martello Towers or Batteries to protect the embankments and works from being destroyed by the landing an enemy for that purpose. Any such works are distinct subjects, and must be reserved for ulterior consideration; but, in securing the land on the banks of the projected Canal, the possibility of such a necessity must not be lost sight of. As to the mode of drawing the money required for these services, it is suggested that the account should be carried on as a Supplementary Ordnance Account: the necessary sum to be drawn from the Military Chest by the Ordnance Storekeeper: the Military Chest to be credited with the sum voted by Parliament in the Colonial Estimate: the Ordnance Department to render each year to the Colonial Department an account of the sum so expended and drawn out of the Military Chest, with an Estimate of the sum required for the succeeding year.

No. 27.—LETTER from *R. W. Horton*, Esq. to *W. Griffin*, Esq.
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Downing-street, 18th April 1826.

I HAVE laid before Lord Bathurst your letter of the 3d instant, with the accompanying papers relating to the Rideau Canal, proposed to be constructed in Canada; and I am directed by his Lordship to acquaint you, for the information of the Lieutenant General and Board of Ordnance, that his Lordship has no observations to make on the instructions to be given to Lieut.-Colonel By, except to express his anxious hope that every exertion will be made to proceed in this important work with all possible dispatch; and his Lordship is of opinion, that it will be proper to authorize the contractor to commence as early in the season as circumstances will permit, without waiting for the passing of the annual grant. Lord Bathurst will direct letters to be prepared to the Governor General, and the Lieutenant Governor of Upper Canada, desiring them to afford every aid and assistance in procuring the land which may be selected by Lieut.-Colonel By for the Canal; and his Lordship feels confident that every support and facility will be given to that officer by the local government.

I am, Sir, &c.

(signed) *R. W. Horton*.

No. 28.—LETTER from Major-General Sir *J. Carmichael Smyth*
to General *Mann*, &c. &c. &c.

SIR,

Nutwood Ryegate, 17 August 1826.

IN obedience to your orders, as communicated to me by Lieut.-Colonel Ellicombe, in his letter of the 11th instant, forwarding to me, at the same time, a copy of His Grace the Master General's Minute of the preceding day, on the subject of the probable amount of the money which may be required in the ensuing year for the service of the Canals or internal Water Communications now carrying on in the Canadas, I beg leave, with the utmost respect, to offer the following observations.

The money granted last year by Parliament towards the Canadian Canals, was £. 15,000; of this sum, £. 10,000 was allotted to that part of the Water Communication between Montreal and Kingston, upon the Ottawa, under the charge of Staff Corps; and Lieut.-Colonel By was permitted to expend the remaining £. 5,000 in carrying into effect the necessary preliminary measures upon the Rideau, and in the neighbourhood of Kingston, according to the best of his judgment. The whole of the estimate for the Rideau is £. 169,000. If we deduct the £. 5,000 Lieut.-Colonel By may be supposed to have expended, there will remain £. 164,000; and if this amount is divided by 5, (being the number of years the operation will probably require,) it appears that £. 32,800 is the sum which ought to be demanded for the service of next summer towards the Rideau Canal, with a view to its being completed in 1831. I take the liberty respectfully to remark, that whatever may be the amount it may be determined upon to apply for, it is of the utmost consequence that Lieut.-Colonel By should have the most early notice, in order that he may make his arrangements accordingly.

The sum allotted last year to that part of the proposed communication which is on the Ottawa, it has already been stated was £. 10,000. This was merely according to what has hitherto usually been given since the commencement of the work, and at which rate the Staff Corps cannot complete their part (including the Chûte à Blondeau, the Carillon, and the St. Anne's Rapids) before the end of 1832, even supposing no unforeseen obstacles present themselves. As they have now another company employed upon this duty they have the means of greater exertion; and as it is evident the whole of the Water Communication between Montreal and Kingston should be completed at the same time, if possible, it seems that it would be advisable to augment the annual grant for this part of the undertaking, and that it might with advantage be made £. 15,000 instead of £. 10,000.

His Grace the Master General, in the latter part of his Minute, having alluded to the Welland or Niagara Canal upon the Niagara frontier, I beg leave to observe that this Canal is carrying on (as more fully stated at page 50 of the Report of the Commission of which I had the honour to be president) by a private company under the sanction of the Provincial Legislature. The estimated expense is £. 147,240.

Correspondence
relative to the
Canal Communi-
cation in Canada.

It is understood that the Company look forward to some assistance from His Majesty's Government, in consequence of the advantage which will accrue to the Government in the saving of expense of forwarding stores to Lake Erie, and the upper part of the province. In the case of La Chine Canal (which was executed by the authorities of Lower Canada) His Majesty's Government gave £. 12,000, or about 1-9th of the money required, upon condition of all boats and vessels with Government stores being allowed to pass duty free, or without any lockage being demanded. I take the liberty, with the utmost respect, to remark, on the subject of the Welland or Niagara Canal, that it appears to me it will be necessary that some similar agreement should be entered into with the proprietors, and be clearly understood before any money is advanced. This is of course an arrangement which will be attended to by the Colonial Office, through the Lieut.-Governor of Upper Canada. Should His Majesty's Government deem it advisable to afford the same assistance towards the Niagara Canal as was done towards that of La Chine, the 1-9th of the estimated sum will be £. 16,360. It may be perhaps advisable here to repeat the observations contained in page 50 of the Report above alluded to, respecting the dimension of the locks.

In any agreement with the proprietors, too much caution cannot be observed on this point. In return for whatever money may be advanced by Government, the proprietors of the Canal ought to be required not only to allow all Government boats and vessels, or other boats or vessels when employed carrying Government stores, to make use of the Canal without paying any duty, but also engage to construct the Canals (or rather the locks of the Canals) at least 22 feet broad. The £. 16,360 might also be paid only by yearly or other periodical instalments, in proportion to the progress of the work. If divided by five, it would be £. 3,432 per annum for the five years the work it is estimated will be in hand.

If the foregoing observations are correct, it would appear that the following sums will be required to be expended in the Canadas, during the ensuing summer, upon the proposed Water Communications; *viz.*

1st. On the Rideau Canal, under the superintendence of	£.
Lieut.-Colonel By - - - - -	32,800
2d. On the rapids of the Ottawa by the Staff Corps -	15,000
3d. Toward the Niagara or Welland Canal, carried on by	
a company - - - - -	3,432
	<hr/>
	£. 51,232

I have, &c.
(signed) *J. Carmichael Smyth,*
Major-General.

No. 29.—LETTER from *R. Byham, Esq.* to *R. W. Horton, Esq.*
&c. &c. &c.

SIR,

Office of Ordnance, 15th Jan. 1827.

THE Master-General and Board having had under their consideration the inclosed letter, dated the 1st instant, from the Inspector General of Fortifications, with the accompanying correspondence relating to the several works recommended by the Engineer Commissioners to be undertaken in the Canadas,—

I have the honour, by direction of his Grace and the Board, to refer the Papers to you, to be laid before Earl Bathurst, and to request that you will state to his Lordship, that the Master-General and Board consider it very desirable that no time should be lost in issuing directions for the purchase of the land required for the line of the Canals.

I am at the same time directed to observe, that as soon as the Papers shall be returned by his Lordship, the Master General and Board will give orders respecting all the other points mentioned in the correspondence, and I am to add, that his Grace has not heard from Lord Dalhousie relative to the building at La Chine.

I have, &c.
(signed) *R. Byham.*

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No. 30.—LETTER from General *Mann* to *R. Byham*, Esquire, &c. &c. &c.
with BOARD'S Order thereon.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR, 84 Pall Mall, 1 Jan. 1827.

8th January 1827.

I INCLOSE herewith, for the consideration of the Master-General and Board, a letter of Colonel Durnford, dated Quebec, 10th November last, with accompanying correspondence on the subject of the several works recommended by the Engineer Commissioners to be undertaken in the Canadas, showing what steps have been taken by the Commanding Engineer, with the concurrence of the Commander of the Forces, to carry into effect the orders and instructions of the Master-General and Board, upon the several points adverted to.

Ordered to be sent to the Master-General, and that his Grace be apprized that the Board have communicated, from time to time, with the Secretary of State for the Colonial Department, on all the steps as they have proceeded, respecting the projected works in Canada; and Mr. Wilmot Horton has stated in his letter of the 18th April last, "that Lord Bathurst would communicate with the Governor-General and Lieut.-Governor of Upper Canada, and would desire them to afford every aid and assistance in procuring the land which Lieut.-Colonel By might select for the Rideau Canal."

(signed) *H. H.*

The subject which seems most immediately to call for attention, is the want of some official communication from the Colonial Office to the governments of the provinces of Upper and Lower Canada; without this (however they may be disposed to facilitate the operations of the Engineer Department, under the instructions of the Master-General and Board of Ordnance) no progress can be made in entering upon the lands through which the Rideau Canal is intended to pass, nor can any other steps be taken towards the possession of other grounds that have been pointed out as necessary for the works in contemplation to be constructed. Moreover, it is found that delay may tend to advance the value of the lands required:

I am, &c.

(signed) *Gother Mann.*

No. 31.—LETTER from Colonel *Durnford* to Major-General *Darling*,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 14th October 1826.

AS I rely on his Lordship the Commander of the Forces having received the expected communications from the Secretary of State for forwarding the views of his Grace the Master-General and Honourable Board of Ordnance respecting the prosecution of the Rideau Canal, I have the honour to enclose, for the information of his Lordship, a copy of the instructions I propose sending to Lieut.-Colonel By, that no time may be lost in proceeding on the important work alluded to.

Should I be mistaken as to the receipt of the communications from the Secretary of State, I can only trust that his Lordship, having before him copies of all the orders of his Grace and the Board that have been forwarded for the guidance of Lieut.-Colonel By, will be pleased to sanction his proceeding to carry the same into immediate effect, and make such communications to his Excellency Sir P. Maitland, as well as to enable him also to afford facility as to the compensation of ground which will be required for the Rideau Canal, so as to prevent the possibility of their being considered in the light of illegal intruders on the property they are required to survey and take sections of.

I have, &c.

(signed) *E. W. Durnford*,
Col. Com^d Rl. Eng^r, Canada.

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relative to the
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cation in Canada.

No. 32.—LETTER from Colonel *Durnford* to Lieut-Colonel *By*,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 14th Oct. 1826.

IN addition to the communications, written and personal, that I have had the honour of holding with you respecting the service that you are entrusted with, I have now to request that as soon as you have made all the observations on the nature of the ground, and approaches to the River Rideau near the Falls, that you will proceed to wait on his Excellency Sir P. Maitland, introducing to his notice the letters that his Lordship the Commander of the Forces was pleased to give you when we met you at Hull.

When at Kingston you will inspect the ground near the mills where it is proposed the Canal should terminate, and in case you judge that the services of Captain Bolton, now he appears to be getting better, can be more essential to you at Kingston than at Montreal, you will of course call his attention thereto either immediately or early in the spring.

I have, &c.

(signed) *E. W. Durnford*,
Col. Com^d Rl. Eng^r, Canada.

No. 33.—LETTER from Major-General *Darling* to Colonel *Durnford*,
&c. &c. &c.

SIR,

Military Secretary's Office, Quebec, 25th Oct. 1826.

I HAVE the honour to acknowledge the receipt of your letter of the 14th inst. submitting copies of the instructions which you propose sending to Lieut.-Colonel By, for his guidance in the prosecution of the several works intrusted to him by his Grace the Master-General of the Ordnance, on the Report of the Commissioners of Royal Engineers.

Although the Commander of the Forces has not received the expected communication from His Majesty's Secretary of State, authorizing the important services alluded to, his Lordship will, nevertheless, sanction your proceeding with the arrangements for carrying into effect the orders of the Master-General and Board, as contained in the documents accompanying your letter of the 7th September.

To this end I have received his command to express his entire approbation of the instructions before mentioned, which, together with the documents accompanying them, as well as those with your letters of the 14th, 16th and 19th instant, I have had the honour to submit to his Lordship.

A communication will be made to Major-General Sir P. Maitland, agreeably to the desire expressed in your letter of the 14th, requesting his Lordship to afford every facility depending upon his authority, to the officer charged with the execution of the Rideau Canal in Upper Canada, so as to prevent him, or the person employed under him, from meeting with opposition or difficulties in the occupation of such ground as it may be necessary for them to enter upon, in making the requisite surveys, sections, &c.

I have, &c.

(signed) *H. C. Darling*,
Mil^y Sec^y.

No. 34.—LETTER from *R. W. Horton*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 31st Jan. 1827.

I HAVE laid before the Lord Bathurst your letter of the 15th inst. with the accompanying correspondence, relating to the work recommended by the Engineer Commissioners to be undertaken in the Canadas, and I am directed to acquaint you, for the information of his Grace the Master-General and Board of Ordnance, that his Lordship has instructed Lord Dalhousie to take the necessary steps for the purchase of the land required in Upper and Lower Canada for the line of the Canals.

I am, &c.

(signed) *R. W. Horton*.

No. 35.—LETTER from Lieut.-Colonel *By* to General *Mann*, &c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Rideau Canal, 1st November 1827.

I HAVE the honour to transmit, for the information of his Lordship the Master-General and Right Honourable and honourable Board, my Report and Estimate, with Plans of the various works indispensably necessary to form a Navigable Communication with five feet depth of water from the Ottawa to Kingston; and although I have commenced the building of three locks agreeable to my instructions, on the same scale as those of the Grenville and La Chine Canal, yet as these Canals have nothing to do with the down trade of the country, as already explained in former letters, I cannot refrain from hoping, that when the Plans and Estimate are examined, and the nature of this Water Communication thoroughly understood, that I shall receive orders to construct the large lock of 150 feet long by fifty wide, with five feet depth of water; as these locks would pass steam-boats of sufficient size to navigate the lakes, and also the spars from 120 to 130 feet long required for the Royal Navy, which those of La Chine Canal cannot do, they being only 108 feet by twenty wide. I further beg to observe, that as the melting of the snow in the spring of the year rises the water in the Ottawa River from twenty-two to twenty-four feet perpendicular, and in the Rideau River from thirteen to fifteen feet, it is evident that these torrents must have washed away from the banks all substances that can be removed, and therefore the idea of the paddles of steam-boats injuring such banks is quite erroneous, particularly as the proposed Canal will only retain the water to the height of five feet.

£.474,844.
20 feet broad.
5 feet deep.
108 feet long.

The accompanying Plans will show the very little excavation required, and that being chiefly rock, there can be no part of the banks but what may be rendered perfectly secure from injury. His Excellency the Earl of Dalhousie, Commander of the Forces, having suggested the necessity of my sending an officer with my Plans and Estimate, to insure their arrival in time to lay before Parliament, I have ordered Lieutenant Pooley, Royal Engineers, to be the bearer of these Papers. He having been with me at the commencement of the work, and just returned with me from examining the various works on the whole line, can give the fullest information, and explain whatever I may in the hurry of business have omitted. Lieutenant Pooley is an excellent officer, and has shown great perseverance and zeal in this service. I further beg to state, that from the progress already made at the various works, I feel convinced that on the 12th of August 1830, I shall have completed this magnificent Water Communication from the Ottawa to Kingston; but to enable me to do this, I shall require about £. 100,000 each year for positive disbursements on the spot, and have marked on the Plan where the four Companies of Royal Sappers and Miners could be employed to great advantage, should I be favoured with the assistance of two more Companies, in addition to the two already arrived.

See PLAN, No. 5.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) *John By*,
Lieut.-Colonel Roy^l Eng^r Com^d, Rideau Canal.

SECTION, No. 1.				£.	s.	d.	£.	s.	d.
Entrance Bay and Canal Valley, Ottawa river -				58,889	4	8			
Works between the head of the eight Locks and									
Dow's great Swamp - - - - -				15,880	17	-			
- In Dow's great Swamp - - - - -				6,474	17	9			
- From Dow's great Swamp to the Hog's Back				21,017	3	-			
- Hog's Back - - - - -				27,022	16	6			
- From Hog's Back to Black Rapids - - -				366	12	-			
- Black Rapids - - - - -				9,831	15	11			
- Long-Island Rapids - - - - -				19,540	11	-			
- Long-Island's Still Water - - - - -				650	-	-			
- Contingent Expenses - - - - -				11,049	7	11			
							170,723	5	9
SECTION, No. 2. Burret's Rapids - - - - -				-	-	-	10,657	18	- ½
- No. 3. Nicholson's Rapids - - - - -				-	-	-	9,996	6	2
- No. 4. Clow's Quarry - - - - -				-	-	-	9,189	-	1 ½
- No. 5. Merrick's Rapids - - - - -				-	-	-	15,696	8	6 ½
Carried forward - - - - -				-	-	£.	216,262	18	7

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							£.	s.	d.
					Brought forward	- - -	216,262	18	7
SECTION, No. 6.	Maitland's Rapids	-	-	-	-	-	5,242	14	8 1/2
- No. 7.	Edmund's Rapids	-	-	-	-	-	6,868	1	1
- No. 8.	Phillip's Bay	-	-	-	-	-	6,172	-	9 1/2
- No. 9.	Old Sly's Rapids	-	-	-	-	-	10,768	10	10 1/2
- No. 10.	Smith's Falls	-	-	-	-	-	18,193	7	7 3/4
- No. 11.	First Rapids	-	-	-	-	-	10,165	15	4 1/2
- No. 12.	Oliver's Ferry	-	-	-	-	-	100	-	-
- No. 13.	Narrows Rideau Lake	-	-	-	-	-	409	10	-
- No. 14.	Isthmus Rideau Lake	-	-	-	-	-	13,639	3	-
- No. 15.	Isthmus Indian Lake	-	-	-	-	-	17,331	13	10 1/2
- No. 16.	Davis' Rapids	-	-	-	-	-	8,417	16	7 1/2
- No. 17.	Jones' Falls	-	-	-	-	-	34,154	15	2 1/2
- No. 18.	Cranberry Marsh and Round Tail	-	-	-	-	-	1,409	-	- 1/2
- No. 19.	Brewer's Upper Mill	-	-	-	-	-	15,036	10	4 1/2
- No. 20.	Brewer's Lower Mill	-	-	-	-	-	10,268	8	- 1/2
- No. 21.	Billidore's Rifts	-	-	-	-	-	10,872	2	5 3/4
- No. 22.	Jack's Rifts	-	-	-	-	-	19,155	1	7 3/4
- No. 23.	Kingston Mills	-	-	-	-	-	21,161	18	2
	Contingent account	-	-	-	-	-	3,000	-	-
	One-tenth of the whole amount of the Estimate	-	-	-	-	-	42,862	18	10
	Barracks, hospital, &c.	-	-	-	-	-	3,351	14	-
TOTAL EXPENSE							£. 474,844	1	2 1/2

No. 36.—LETTER from the Marquis of Anglesey to the Right honourable
W. Huskisson, &c. &c. &c.

SIR, Uxbridge House, 26th Jan. 1828.

I ENCLOSE the copy of the Report of the Committee of Engineers which assembled to examine into the merits of the Plans and Estimates furnished by Lieut.-Colonel By, of the Royal Engineers, and of that adopted by the Commission of which Sir James Smyth was president. The Report of the Committee appears to be so full and explicit upon the several points to which their attention was directed, that it is unnecessary for me to make any observation, except that it should be understood that in the estimates and calculation of the expense of the Canal, there is no provision for superintendence. No exact sum can be stated, as it will depend upon the time the work will be in hand, as the expense will be proportionably lessened by the celerity with which the work can be carried on. The annual expense at present sanctioned is £. 3,850.

The suggestion of wooden locks thrown out by the Committee, is I think quite inadmissible; but I am by means of opinion that the consideration of the enlarged locks (perhaps not to the extent proposed by Lieut.-Colonel By) ought to be given up. On the contrary, I think it is a subject which ought to be fully discussed and considered in all its bearings, not only with reference to the defence of the country, but as connected with its trade and revenue.

Believe me, &c.
(signed) Anglesey.

No. 37.—LETTER from Major-General Bryce to General Mann,
&c. &c. &c.

SIR, 84, Pall Mall, 23d Jan. 1828.

I HAVE the honour of submitting herewith the Report of the Committee of Engineers, of which I am President, on the Rideau Navigation, conformably with your orders of the 4th inst.

It will be observed, that Major-General Sir James Smyth has expressed his dissent from the rest of the Committee on Lieut.-Colonel By's proposition for enlarging the locks.

Lest the observations of Sir James Smyth, on the question of enlarged locks on the Rideau Canal, should lead to an erroneous view of the opinion of the remaining Members of the Committee, it is thought necessary by them to observe, that they have not, nor did they intend to recommend the adoption of wooden locks in preference

ference to stone, but have merely stated, that should imperative financial considerations render the adoption of wooden locks at present expedient, the measure would be attended with the incidental convenience of affording an opportunity hereafter of adopting whatever size of lock should be then best adapted to existing circumstances; and the remaining Members of the Committee have also to observe, that they did not conceive themselves called on by their instructions to offer any opinion regarding the annual expenditure to be made on this Navigation during its progress.

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I have, &c.

(signed) *Alex. Bryce,*
M^r-Gen^l and President.

No. 38.—REPORT of the COMMITTEE of ENGINEERS on the Plans and Estimates for the construction of the *Rideau* Canal.

SIR,

84, Pall Mall, 22 Jan. 1828.

IN obedience to your orders of the 4th instant, we have carefully examined the Plans and Estimates for the construction of the Rideau Canal in Upper Canada, together with the several documents on the subject, which have been laid before us; and having also obtained such other information within our reach as we deemed expedient, we now respectfully submit our Report, commencing with the first head of our instructions, by which we are required, "To give our opinion upon the Plan proposed by Lieut.-Colonel By, of effecting the Water Communication from the Ottawa to Kingston, in all its details," especially as to the practicability, economy and safety of the dams, which the Lieut.-Colonel proposes throwing across the River, and thus rendering the small falls into still water.

The general tracing of the Water Communication between the Ottawa River and Kingston, adopted by Lieut.-Colonel By, is that which appears to have been contemplated by the Commission of Engineers, of which a survey and estimate had been prepared by Mr. Clowes (a civil engineer) for the Legislature of Upper Canada; the only material variation in the two lines appears to be near the entrance on the Ottawa, which Lieut.-Colonel By proposes to form above the mouth of the Rideau River, whilst the civil engineer proposed the entrance below.

The reasons Lieut.-Colonel By has given for preferring the entrance above appear to us well founded, as the small bay in which he has placed the entrance is better sheltered than it would be below; the ascent from the Ottawa to the Rideau is easier, being partly through a ravine, and the distance is somewhat shorter; there is also a difference in the direction of the two lines between Barrel's Rapids and Merrick's Mills, where Mr. Clowes has proposed to carry his Canal through six miles and a half of cultivated land, whilst Lieut.-Colonel By carries his Canal on the opposite bank of the river for one mile and a half, where the land is waste; for the remainder of the distance he proposes raising the water in the river by dams, by which means he will avoid the purchase of much valuable land (but which is not estimated by Mr. Clowes) and very considerable cutting in rock, and we therefore think that Lieut.-Colonel By's line here is the preferable; and also being by comparison of the two estimates, the most economical. These observations are all that seem to us necessary to be made in this plan, on the proposed trace of Lieut.-Colonel By's line of communication.

With regard to the dams proposed by Lieut.-Colonel By for raising the water in the rapids, to render the Rideau navigable, we would observe that this is by no means a novel expedient, having been much practised both in the old and new hemispheres, under the more usual denomination of waste weirs; the principle and use however is the same, but we have not learnt that any have been constructed so high as Lieut.-Colonel By has proposed at the Hog's Back, and at Jone's Falls, those being 45 feet and 48 respectively. The Americans have one of 28 feet in height on the upper part of the Hudson, above Albany, where the river is from 250 to 300 yards wide, which is about twice the width of the Rideau, where Lieut.-Col. By's first dam is proposed; Mr. Clowes also, in his project, has availed himself of the use of waste weirs or dams to raise the water on the rapids, though he has not carried this expedient to the same extent as Lieut.-Colonel By, the former having only 10 dams across the river, varying from three to seven feet in height, whilst Lieut.-Colonel By has 20 of different heights, from eight feet to 48. As a general

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principle there does not appear to us to be any objection to the use of high dams, which is not also applicable to low, both obstructing the navigation of the river (and there are already existing several mill-dams on the Rideau), but the failure of a high dam would occasion so much expense in its repair, and so long an interruption to the navigation, that we think they should only be used where local circumstances render it absolutely necessary, more especially as two low dams may in most cases be made to produce the effect of one high one, and would be cheaper in the construction.

Of the two highest dams Lieut.-Colonel By has proposed, one is across the Rideau at the Hog's Back, which is 45 feet high and 400 feet in length, the second at Jones' Falls on the Cataraqui, which is 48 feet in height and 140 feet in length; the sites are near quarries from which the stone to be used in their construction may be easily conveyed. The banks of the river are favourable, and their construction enables him to place the necessary locks together, instead of in two or more divisions, which would lead to additional expense in the number of lock keepers, quarters, &c.

As every thing depends on these high dams being so constructed as to resist the great pressure of water to which they would be subjected, we have attentively considered the two sections which Lieut.-Colonel By has proposed for these two dams, which differ considerably in their proportions; and we decidedly prefer the second design, which we recommend to be adopted, also (with the requisite modification for the difference in height) at the Hog's Back.

We learn from Lieut. Pooley, that the dam at the Hog's Back was begun before he left the country, and would probably be raised to the height of 10 or 12 feet before the winter sets in, which will afford grounds for forming an opinion as to the ultimate success. Should any doubt arise, we would recommend that the dam should be finished only to half the proposed height, and a second dam formed, where necessary, in advance, or recourse had to cutting. This of course would occasion an alteration in the disposition of the locks, as it would be necessary to advance a corresponding portion of them, and in the case of the Hog's Back, a little additional expense in forming fresh excavations for the locks to be so advanced; and here we would also recommend that the upper portion of locks at this point should not be commenced until the dam was carried to the intended height (whatever that may ultimately be), and no reason seen to doubt its durability.

We are of opinion that means will be obtained to float timber over the dams without injury, and we are informed that the right to all the rivers in Upper Canada is specially reserved to the Crown, with a way or communication on both banks; should this opinion and information prove correct, no well-grounded cause of complaint against the dams would exist.

With regard to the expense of the dams proposed by Lieut.-Colonel By, as compared with the cutting of a Canal to attain the same object, we are not possessed of sufficient information, as Lieut.-Colonel By, though he has given in each instance the length of cutting to be saved, has not given the depth of cutting, nor more than a general description of the nature of the ground, neither has Mr. Clowes given any sections of this cutting in these parts; but having well considered the information and data we could obtain as to the comparative economy of each, we are induced to believe it will preponderate in favour of dams. It would no doubt be satisfactory, before proceeding with more than those dams now in progress, to have a calculation of the expense of cutting at each point where dams are proposed in lieu thereof, founded on sections of the ground, and of borings to ascertain its nature.

We come now to the second head of our Instructions :

“ To give an opinion and report upon the amount and upon all the details
“ of expense of the Estimate transmitted by Lieut.-Colonel By, and whether any
“ less expensive mode of effecting the object in view can be devised.”

For the above purpose we have very carefully examined and analyzed every part of Lieut.-Colonel By's estimate that would be compared with the surveys of the ground, and the designs he has furnished for the various works, and though there are some considerable differences in various items between our calculations and Lieut.-Colonel By's, sometimes in excess and at others in diminution, we consider the estimate on the whole to have been formed with much care and accuracy.

We

We have drawn out in Paper (A.) which accompanies this Report, a list of those items where we were enabled to enter into a comparison, and in which our calculations differ from the estimate either in excess or diminution, by which it will be seen that our calculation is on all these items £.7,607. 1. 11. less than Lieut.-Colonel By's; but as the principal discrepancies are found in the cuttings and embankments, where we frequently have not sufficiently numerous sections to show all the accidents of the ground, we would not recommend this difference to be deducted from the amount of the estimate.

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We have carefully examined the design for the locks on which Lieut.-Colonel By's estimate is grounded, which seem in general to be judiciously and carefully formed; but observing that the side walls of the eleven locks contracted for, which are on an average 18 feet in height, are proposed to be six feet six inches thick at top and eight feet at bottom, and although we are aware that these walls will necessarily have to support the pressure of the earth whilst in a green state, and that allowance must also be made for the effect of severe frost on the masonry, still we are induced to be of opinion, that a reduction of one foot in the thickness of these walls might safely be made, which could create a saving of one-eighth of the masonry of these locks. We have no sections of the remaining locks to enable us to decide if their side walls will admit of similar diminution of thickness; but we are led to think, from the quantity of masonry in the different items of the estimate, that such will be found to be the case; and we recommend this important point for consideration on the spot, with a Report, accompanied by the fullest documents necessary for its decision.

With regard to that part of our instructions wherein we are required "To report whether any less expensive mode of effecting the objects in view can be devised," we are unable to point out decidedly any reduction, except that which might arise from lessening the thickness of his side walls, on which we hope that a saving to a considerable amount may be effected, together with a saving of about £.9,000, which we are of opinion might be made in the items of the estimate, for cutting a straight channel for the Cataraqui River, through the marsh above Kingston, as it appears that the navigation here might be sufficiently improved for present purposes, by cutting off some of the principal elbows of the river, although a little time will be lost in the longer channel; and here it should be observed, that we cannot suggest any alterations, in consequence of the judicious arrangements of Lieut.-Colonel By, planning that his heaviest works, as far as hitherto designed, should be so placed as to have stone near at hand; that he has obtained contracts by public competition for the first eleven locks, and the other constructions of masonry at the entrance of the Canal, not exceeding 1 s. 1½ d. per cubic foot, which is about one-fifth less than the estimated price.

Now, although there may be some grounds for apprehending, that as the works advance into the unsettled and little explored parts of the line, the expense of procuring provisions for the workmen, and transporting of materials may occasion an increase of the contract prices, yet we have reason to hope that by a continuance of the preparatory measures above described, the prices will be but little augmented, and may, in cases where quarries are very favourably situated, be even diminished. We therefore think that although Lieut.-Colonel By may have been right in estimating the masonry at his valuation of 1 s. 5 d. per cubic foot, the average of the contract prices may be expected not to exceed 1 s. 2 d., and a saving in the execution of one-sixth of the estimate for masonry be expected under the head of price.

The prices in Lieut.-Colonel By's estimate for digging in the various kinds of soil, and in rock, and for clearing ground, fences, bridges, &c. appear to us, on the whole, to be moderate; that at £.15. 15. per acre for grubbing (the total of which amounts to £.3,038. 18. 6.) appeared at first sight to be very high, but on considering the nature of the work, and the care with which it must be done, we were less surprized to learn that the lowest tender received by the Commissary General, at public competition, for this service, amounted to the sum stated in the estimate.

This seems to be the proper stage of our Report for offering some remarks on the plan and estimate of Mr. Clowes, the civil engineer, for this navigation, and which we apprehend we are called upon to consider in the first article of your instructions.

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cation in Canada.

No general plan, or particular places of locks or other works, are furnished by Mr. Clowes, nor any prices for his masonry or carpenters' work, nor any sections or borings to ascertain the nature of the soil, and extent of his cuttings in earth and rock; a gross sum or quantity is taken for each as they occur on his line, but from what we have already shown, we do not think the lockage can be executed in a more economical manner than that which we have suggested, and which will be about as much as the total of Mr. Clowes's estimate for the whole navigation, and which conclusion we are confirmed in by the much greater proportionate expenditure on the La Chine Canal. With regard to the estimate for cutting 25 miles of canal, which he proposes to form, as we have no sections or borings of the ground, we cannot speak decidedly; but there seems reason for concluding that the quantities and nature of the cuttings are greatly under-rated. Mr. Clowes also has omitted in his estimate to provide for many services absolutely necessary in the execution of his project, besides the total omission of any per-centage for contingencies, which, in Lieut.-Colonel By's estimate amount, at the usual rate of one-tenth, to £.42,862. 18. 10.

On the whole we are of opinion, that after allowing Mr. Clowes much credit for skill and industry in exploring and marking the best general line for effecting this Water Communication, under many difficulties occasioned by the state of the country, and with probably little professional assistance, his estimate for executing the necessary work is quite inadequate, and with his report, are rather calculated to show the practicability of the measure, than to give an accurate calculation of the expense of effecting it. This conclusion, we think, will appear well founded, on a careful consideration of the numerous plans, prepared with great labour and attention by Lieut.-Colonel By, and his officers, and which were all necessary before any satisfactory design or estimate for the Canal could have been made. The only item in Lieut.-Colonel By's estimate, of the necessity of which we are not yet sufficiently informed, is the construction of a bridge (at the expense of nearly £.3,000) across the Ottawa, in the vicinity of the entrance and principal works on the Canal. The motive is stated to have been to induce the contractors to undertake the works on lower terms than they otherwise would have done, by opening an easy communication with the only settlement in that part of the country, from which their supplies of provisions, and many articles of materials, could be obtained at less expense than otherwise would have been incurred; and it seems not unreasonable to conclude, that the measure has had the effect of lowering the contract prices considerably. But a full report in all its bearings on this subject seems required, embracing also the consideration of the means of making the bridge repay part of its expense, by levying a toll on all passengers and materials, excepting those employed on the Canal.

On the question, whether a less expensive mode of effecting this navigation can be devised? we have already stated all the saving which we think can with safety be made, in Lieut.-Colonel By's Plan; but a mode might be found of keeping down the present expense of the undertaking (though it certainly would not be ultimately economical), by executing those locks of the Canal not yet begun, in wood instead of masonry. Eleven locks in masonry are understood to be in progress; the remaining thirty-six might therefore be of wood. We cannot in this country calculate with much accuracy the expense of this construction, but see reason to believe, from the best information we can procure of the prices of timber and workmanship in Canada, that the expense would not exceed one-third that of masonry. We are of opinion, however, that nothing but weighty financial considerations would sanction the adoption of wooden locks, which could only be considered a temporary expedient.

On the question of the docks of enlarged dimensions, proposed by Lieut.-Colonel By, on which we are, by the third head of our instructions, desired to report, the Lieut.-Colonel has suggested the considerable advantage, as regards both commerce and military operations, which would accrue from enlarging the locks of the Rideau Navigation from 20 to 50 feet, leaving the depth as at present, five feet. This, he says, could be effected at an expense of £.50,000, to which has to be added about £.3,000 for widening the locks already begun. We do not, however, see any immediate advantage likely to be derived from this partial measure, sufficient to justify the expense above stated; but, should well-grounded reasons exist for expecting that at a future period an extended steam navigation from Lake Ontario to Quebec may not be beyond the financial means of the two countries to execute, then

then we think this proposition of Lieut.-Colonel By's deserving of consideration; as we are of opinion, that a general steam communication would be attended with great military advantages, and we apprehend if the whole line of the Rideau Canal should now be executed with twenty feet locks in masonry, this would in all probability preclude that enlargement hereafter, which would render the large steam-boats of the St. Lawrence available for Lake Ontario and the Ottawa. And here we may observe, that the expedient we suggested for effecting a present saving, by executing the remaining twenty feet locks in wood, would also have the advantage of leaving open for future decision this important question of the enlarged steam navigation, as the construction of thirty-six locks could only be temporary, to be replaced hereafter by locks in stone, of whatever dimensions should then be found most eligible.

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The following Statement shows what we suppose would be the expense of the different contractions previously considered.

Lieut.-Colonel By's Estimate for the Rideau Communication; locks in stone - - - - -	£.474,844. 1. 2 $\frac{1}{2}$.
Ditto - modified by this Committee, and the cost of the masonry reduced to the price already contracted for - - -	£.407,531. 4. 3 $\frac{1}{2}$.
Ditto - if the remaining 36 locks be executed in wood, £.330,118. 7. 2 $\frac{1}{2}$.	

In obedience to the last article of our instructions, to report whether Lieut.-Colonel By has not "lost sight entirely of the plan and estimate for the work, having the same object in view which the late Master-General and Board contemplated, when they ordered Lieut.-Colonel By to execute the service, viz. the plan and estimate framed by a civil engineer in the country, and in an addition of £.24,000 sterling, by the committee of engineers, of which Sir James Smyth was president, being to provide £.500. in addition for each lock, in order to make them of the same size with those of the La Chine Canal, but that he has not distinctly reported that he has done so, much less accounted for his doing so, excepting verbally through Lieutenant Pooley; and whether Lieut.-Colonel By, was not repeatedly referred to those plans and estimates, and positively ordered to adhere to them,"—We have to state, that Lieut.-Colonel By appears to have adhered generally to the line of country pointed out in his instructions, but has deviated from the tracing intended by the civil engineer's estimate, to which he was referred, in the places already mentioned, in all which the Lieut.-Colonel appears to have been guided by a desire to effect the object in the most judicious and beneficial manner. We also find, that he has strictly followed the dimensions of the Canal and locks which were proposed by the Commission of Engineers, and ordered by the Master-General to be executed. With respect to the estimate framed by the civil engineer, and augmented by the sum of £.24,000 by the Commission of Engineers, we are of opinion that Lieut.-Colonel By did not lose sight of it; as he reported, on the 6th December 1826, "That he had great doubt whether the work could be performed for £.169,000; but that he could not venture to give a decided opinion on the subject, until he had well examined the whole line." We have already offered our opinion on the inadequacy of that amount, and it does not appear to us that detailed estimates founded on accurate measurements and levels could be prepared and transmitted until the second summer.

The documents referred for our consideration, are returned with this Report.

We have, &c.

(signed) *Alexander Bryce*, M. Gen^l, Pres^t.
John T. Jones, Colonel.
Edward Fanshawe, L^t Col. Roy^l Eng^s.

THERE is one subject in this Report in which, from local knowledge, I cannot agree with the other members of the Committee, and that is, relative to the adoption of wooden locks upon the thirty-six remaining locks of the Rideau Canal, upon the principle of leaving open the question of, whether the locks are to be employed, or to continue at twenty feet in breadth, for future discussion.

The augmentation of the Rideau locks, without the whole series of Canals and locks from Montreal to the Rideau were similarly enlarged, would afford no military advantage whatever; and the idea of making an uninterrupted steam navigation

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from the St. Lawrence, by either the north or south sides of Montreal Island, the Ottawa and the Rideau, appears to me too gigantic and expensive an undertaking even seriously to be thought of. I would certainly prefer going on upon our present plan, with locks and masonry of the present dimensions, at whatever rate of yearly expenditure it may be convenient to His Majesty's Government to allow, having recourse only to the wooden locks in the event of the probability of hostilities rendering the early completion of the work necessary.

(signed) *J. Carmichael Smyth*, M. Gen^l.

January 22d, 1828.

No. 39.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 25th Feb. 1828.

WITH reference to my letter of this day's date, transmitting the copy of an Order of the Committee of the House of Commons, for information relative to the public works, projected or begun in the Canadas, I am directed by Mr. Secretary Huskisson to acquaint you, for the information of the Master General and Board of Ordnance, that it is his intention to submit to Parliament an Estimate for the sum of £.41,000, on account of the Rideau Canal, without pledging Government as to the amount to be required for this service another year; and he will also submit an Estimate for £.15,000 on account of the Grenville Canal, and Châte à Blondeau, Carillon and St. Ann's Rapids.

I am, &c.

(signed) *R. W. Hay*.

No. 40.—LETTER from the Right Hon. *W. Huskisson* to the
Master General of the Ordnance, &c. &c. &c.

MY LORD,

Downing-street, 14th March 1828.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 21st ult. referring to two letters which had been addressed to me by your predecessor, on the subject of the Water Communication in Canada, and the proposed Military Works for the defence of Kingston.

Having attentively perused the Report of the Committee of Engineers, appointed to examine into the merits of the Plans and Estimates furnished by Lieut.-Colonel By, and that adopted by the Commission, of which Sir James Smyth was President; I do not concur in the opinion of that officer, that no advantage is likely to result from enlarging the locks of the Rideau Canal, without the whole series of locks on the Water Communication from Montreal to Kingston was similarly enlarged. It appears to me, that very considerable military and commercial advantages would accrue from enlarging the locks of the Rideau Navigation from twenty to fifty feet and if the Committee shall concur in the opinion of Lieut.-Colonel By, that this important object can be effected at an additional expense of £.50,000, with a further charge of £.3,000 for widening the locks already begun, it will, I think, be advisable to leave to their discretion to authorize Lieut.-Colonel By to proceed with the construction of the locks, either to the increased dimension of fifty feet, or of any intermediate size between twenty and fifty, which may appear to them more expedient.

With regard to the amount of annual expenditure to be incurred on this work I propose to defer coming to any decision, until the Report of the Board of Officers who are to investigate the subject in Canada, has been received, and submitted to the consideration of His Majesty's Government; and it is therefore intended to confine the Estimate for 1828 to the same amount which was voted by Parliament last year.

On the subject of the Works at Kingston, I will avail myself of an early opportunity of expressing my opinion in a separate letter.

I have, &c.

(signed) *W. Huskisson*.

No. 41.—LETTER from Lord *Beresford* to the Right Hon. *William Huskisson*,
&c. &c. &c.

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cation in Canada.

SIR,

Office of Ordnance, 17th March 1828.

I HAVE had the honour to receive your letter of the 14th instant, and in consequence I propose sending immediately to Canada Lieut.-Colonels Fanshawe and Lewis, of the Royal Engineers, to be members of the Commission, of which Lieut.-General Sir James Kempt is to be the President: I will therefore request of you to favour me with a copy of the Instructions you propose giving to that officer, whom I conclude you will order to proceed from Halifax to Canada without delay; and it may be well to inform him, that the two officers named with him to form the Commission go from hence *viâ* Liverpool to New York, as at this season of the year the most expeditious route to arrive at their destination in Canada.

Adverting to that part of your letter which limits the expenditure on the construction of the Rideau Canal to the same amount as was voted by Parliament for the last year, I beg to call your attention to a Report from Lieut.-Colonel By, which has come to me since I received your letter, and which I annex hereto. By this you will see, that Lieut.-Colonel By could not have been made acquainted with the intended limitation of expenditure for this year in sufficient time to prevent his making the contracts he therein communicates to have been completed; those contracts having been made, and the contractors in all probability having made their arrangements, and even commenced operations, we can only be liberated from those engagements (I speak of those made 1st February last) by very onerous concessions, which would be a dead loss; and you will see that the contracts formerly made are in full execution, and that on these the expenses from 1st November 1827 to 22d January 1828 (less than three months) is £.28,614. 7. 2., and these apparently not the best months for working. The expenses on the new contracts must be added to this, when you will see how little way the £.41,000 you propose this year will go towards defraying the now inevitable expenses, whatever may be determined on, that is, whether you stop those contracts or go on with them. In short, it is obvious that Lieut.-Colonel By has laid down work for this year that will take about a third of the sum he estimated for the whole, or about £.140,000. (taking into consideration what has been already expended), as the contracts go to complete the whole in three years from January last.

(A.)

There is certainly no time to be lost in coming to a decision on this important question.

I have, &c.

(signed) *Beresford*.

No. 42.—LETTER from the Right Hon. *W. Huskisson* to Lord *Beresford*,
&c. &c. &c.

MY LORD,

Downing-street, 26th March 1828.

I HAVE received your letter of the 17th instant, announcing your intention of sending to Canada Lieut.-Colonels Fanshawe and Lewis, of the Royal Engineers, to be employed as members of the Commission of which Sir James Kempt is to be President.

I am happy to find that no time will be lost in dispatching these officers to their destination; and I enclose, for your information, a copy of the Instructions which it is proposed to send out by the next packet to Lieut.-General Sir James Kempt, whose zeal and activity will no doubt lead him to repair, with as little delay as possible, to the appointed place of rendezvous.

The Report on the Rideau Canal which your Lordship has transmitted, proves clearly, that the completion of that important work, upon a scale of sufficient magnitude to render it available for the objects in view, cannot be carried into effect without a greater outlay than was at first anticipated, and that the original Survey and Report of the Civil Engineer employed in Canada were either founded on very erroneous notions of the difficulty and expense of the undertaking, or, as it has since been intimated, made out from the reprehensible motive of endeavouring to benefit the Colony, by embarking His Majesty's Government in this undertaking, upon the faith of an estimate which the author of it considered to be fallacious and inadequate

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quate. Although I cannot but regret that Lieut.-Colonel By should have felt himself at liberty, before his increased Estimates had been considered and approved by the Board of Ordnance, to conclude contracts for carrying on the work on the present very extensive scale, and have entered into engagements involving so large an expenditure of the public money, without waiting for specific authority from the department at home; yet so many reasons appear to combine in favour of the plan of Water Communication, which he has recommended, that I am not disposed to withhold the sanction of the Government to the prosecution of the work, on the scale recommended by him, provided the Commission to be employed in the investigation of this subject should, after careful survey and examination, concur in the expediency of the measures proposed, and in the steps which have been taken by Lieut.-Colonel By, for the furtherance of this great work.

It is the opinion of all those in this country who are most competent to decide upon such matters, that the national advantages which are held out by adapting the Canal to the reception of steam boats, which can only be done by increasing the dimensions of the locks, will far counterbalance the additional expense to be incurred for this object, and, both in a military and commercial point of view, the facility of communication which will be afforded by the introduction of vessels not dependent for their progress upon the ordinary process of towing from the banks (a practice indeed which, in many parts of the line, could not be resorted to), is so important a consideration, as would alone fully justify the increased expenditure for the locks; and I am therefore desirous that your Lordship should call the particular attention of the engineer officers to Lieut.-Colonel By's suggestion, that the locks should be constructed of the increased dimensions of fifty feet; and if they concur with him in opinion that this object can be effected for an additional expense of £. 50,000, and £. 3,000 (or no material increase to that sum) for the alteration of the locks already in progress, that they should authorize Lieut.-Colonel By to proceed in the construction of the locks, either of the dimensions of fifty feet, or of any intermediate size, as stated in my letter of the 14th instant.

The expense of the undertaking, as now estimated by Lieut.-Colonel By, amounts to £. 527,844, of which, as only £. 46,000 has already been voted in the years 1826 and 1827, £. 481,844 remains to be provided for. It is evident, therefore, that the sum which your Lordship proposes should be applied for this year, viz. £. 140,000, instead of £. 41,000, as originally intended, will not be at a sufficient rate to complete the work within the next three years, as was at first contemplated. I do not, however, propose to apply to Parliament this year for a larger sum in the whole than £. 120,000. I understand that £. 100,000 will cover all the contracts into which Lieut.-Colonel By has entered, and which must either be continued, or given up at a very heavy pecuniary loss; and it appears that up to December 1827, the sum of £. 61,000 has been expended on the work, although £. 46,000 only has been voted by Parliament, leaving a deficiency of £. 15,000 to be provided for. It will be a matter for future consideration, in what annual proportion application shall be made to Parliament hereafter for the sum required to complete the undertaking.

In framing the instructions which it will be necessary for you to issue for the guidance of the engineer officers whom you have selected for this duty, you will, of course, take care fully to impress upon their minds the importance of the object for which they are sent out, both as regards future defence and facility of communication, points so nearly connected with the safety and prosperity of His Majesty's Canadian possessions, and also as regards the unexpected increase to the original Estimate, into which it is proper that the most complete investigation should take place on the spot by persons competent to judge in such matters. You will for this purpose instruct Lieut.-Colonels Fanshawe and Lewis, on their arrival at Montreal, to enter on a most careful examination of the Plans and Estimates sent home by Lieut.-Colonel By, as compared with those of others who have been employed in conjunction with him, with a view to ascertaining how far they have been suggested and prepared with a proper regard to the great interests of the colony, to the local circumstances of the country, and, above all, with a due attention to that economy of the public money, which is in all cases so necessary, but especially in the prosecution of works of so expensive a character.

These are the chief points upon which, as far as I am competent to offer an opinion, it will be necessary for your Lordship to instruct the officers who are destined

destined for this service, upon all matters of professional detail : it will be for your department to issue such instructions as may be considered expedient, with a view to the more complete fulfilment of the important object in view.

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cation in Canada.

I have, &c.

(signed) *W. Huskisson.*

No. 43.—COPY of INSTRUCTIONS for the COMMITTEE appointed to assemble in *Canada* upon matters relating to the *Rideau* Canal.

84, Pall Mall, 27th March 1828.

1.—THE Committee will personally examine and consider upon the spot the Plan and Estimate, amounting to £. 474,844, as prepared by Lieut.-Colonel By, in all its details; and if they find that it is practicable and calculated to give at all times a secure Water Communication between the Ottawa and Kingston, when the waters shall be open, and that it has been prepared with a proper regard to the great interest of the colony, to the local circumstances of the country, and, above all, with a due attention to that economy of the public money which is in all cases so necessary, especially in the prosecution of works of so expensive a character; they will authorize him to continue to execute his plan, laying out upon the work a sum not exceeding £. 105,000 in the course of 1828, exclusive of the expenditure already incurred, which Lieut.-Colonel By has reported to be £. 61,000 to the end of last year.

2.—The Committee to pay particular attention to the detail of the contracts entered into by Lieut.-Colonel By, and to ascertain whether the bridges, roads and other expensive works constructed by Lieut.-Colonel By, are of importance, and have been, and are likely to be, of use in lowering prices in the negotiation and conclusion of the contracts already entered into, and those which may be entered into hereafter.

3.—The Committee will also report upon the mode in which the public money has been expended, with a view to the most economical completion of the work, consistent with its effectiveness and durability.

4.—As very considerable military and commercial advantages will accrue by adapting the Canal to the reception of steam-boats, which can only be done by increasing the dimensions of the locks, the Committee are authorized, if they concur with Lieut.-Colonel By, that the locks can be enlarged from 20 to 50 feet in breadth, and 150 feet in length, and that this important object can be effected for an additional expense of £. 50,000, with a further charge of £. 3,000 for widening the locks already begun, (or no material increase to those sums); they will authorize Lieut.-Colonel By to proceed with the construction of the locks to those dimensions, but not to exceed the proposed expenditure for 1828.

5.—The Committee are furnished with Copies of the following Documents for their information and guidance :

1. Copy of the Report of the Committee which assembled in England upon Lieut.-Colonel By's Plan and Estimate.
2. Mr. Clowe's printed Estimate.
3. Plan of the Locks as proposed by Lieut.-Colonel By.
4. General Plan of the Line of the Canal as proposed by Lieutenant-Colonel By.
5. General Plan of the Line of the Canal as proposed by Mr. Clowes.
6. Copy of Lieut.-Colonel By's Estimate for the Canal, amounting to £. 474,844.
7. Copy of Lieut.-Colonel By's last Report.

6.—With reference to the fourth paragraph, the Committee, although they will at the present abide by the Plan laid down, with the addition of the fifty feet locks, if approved by them, will nevertheless hold in view, that at some future period the Canal may be deepened or widened, so as to allow vessels drawing seven or eight feet water to navigate.

By order of the Master General and Board,

(signed) *R. Byham, Secretary.*

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No. 44.—LETTER from *R. W. Hay*, Esq. to *G. R. Dawson*, Esq.
&c. &c. &c.

SIR,

Downing-street, 9th April 1828.

No. 41.—17 March.

I AM directed by Mr. Secretary Huskisson to transmit to you an extract of a letter from the Master General of the Ordnance, stating, that by accounts recently received from Lieut.-Colonel By, the officer who is employed in constructing the Rideau Canal, it appears that he has entered into very extensive contracts for work to be completed in the present year; and that the Estimate of £.41,000, which has been submitted to Parliament for this service, would be altogether inadequate to meet the engagements into which Lieut.-Colonel By has entered. Under the circumstances, therefore, which are stated by Lord Beresford, Mr. Huskisson requests that you will submit to the consideration of the Lords Commissioners of the Treasury the propriety of applying to Parliament for a Grant of £.120,000 on account of the Rideau Canal in the present year; and if their Lordships concur in this opinion, Mr. Huskisson will direct a Supplementary Estimate to be prepared for an additional sum of £.79,000 for this service.

I am, &c.

(signed) *R. W. Hay*.

[For the Extract referred to in this Letter, see that part of Lord Beresford's Letter of 17th March 1828, marked (A.) in margin; page 51.]

No. 45.—TREASURY MINUTE, authorizing additional Estimate for Works
on *Rideau* Canal.

Copy of Treasury Minute, dated 27th June 1828.

MY LORDS read the Letter of Mr. Hay of the 9th of April, in which he states, by desire of the Secretary of State for the Colonial Department, that upon communication with the Master General of the Ordnance, he has found, that such extensive contracts have been made by Lieut.-Colonel By, in Canada, for work in constructing the Rideau Canal, that the Estimate of £.41,000, which has been submitted to Parliament for this service for 1828, would be altogether inadequate to meet the engagements into which Lieut.-Colonel By had entered, at a time when he could not have been made acquainted with the intended limitation of the expenditure for this year; and upon which grounds the Secretary of State recommends, that an additional Estimate should be submitted to Parliament during the present Session, in order to procure a Grant of £.120,000 for this service, which it is calculated will be sufficient to meet the expenditure which will be incurred under the engagements made by Lieut.-Colonel By.

My Lords have before them the Estimate which has already been submitted to Parliament during the present Session, the amount of which is £.41,000.

My Lords, under the circumstances stated by the Secretary of State, are of opinion, that it will be proper to propose to Parliament a Grant during the present Session of £.120,000 for this service for the year 1828.

Let an Estimate for £.120,000 be prepared and submitted to Parliament, together with copies of the Papers on which My Lords have been pleased to make this order. My Lords will propose the Grant of £.120,000 upon the Estimate now submitted.

Acquaint Mr. Hay, for the information of the Secretary of State, with the directions given.

No. 46.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. *William Huskisson*, &c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Kingston, Upper Canada, June 28, 1828.

YOUR confidential communication of the 5th of January last (received on the 3d of March) having apprized me that a call would shortly be made upon me to proceed to Canada, to act as President of a Commission to be assembled in that country upon matters relating to the Rideau Canal, I had the honour of replying to that communication on the 14th of March, and of acknowledging on the 14th of May the receipt of your official despatches of the 6th and 25th of March, informing you at the same time that it was my intention to embark for Canada the moment the navigation of the St. Lawrence was sufficiently open, to meet Lieut.-Colonels Fanshawe and Lewis, the other members of the Commission, of which you had been pleased to appoint me the President.

Fogs, contrary winds, and an unusually backward season, prevented my reaching Quebec before the 12th of June, and I proceeded to Montreal on the following day, where I found Lieut.-Colonels Fanshawe and Lewis, they having previously arrived from England by the way of New York.

I naturally expected to have received from you detailed Instructions for the guidance of the Commission of which you were pleased to nominate me the President; and although no such instructions accompanied your despatch of the 25th March, yet I entertained no doubt of their having been prepared, and that it was your intention to furnish me with them, having observed in your letter to Lord Beresford (a copy of which you sent me) the following paragraph:

“ I enclose, for your information, a copy of the Instructions which it is proposed to send out by the next packet to Lieut.-General Sir James Kempt.”

On my mentioning to Lieut.-Colonels Fanshawe and Lewis that I had not received any specific instructions from you for the guidance of the Commission, the former officer put into my hands a letter addressed to himself by the acting Brigade-Major of the Royal Engineers in London, accompanied by two Papers, signed by the Secretary of the Board of Ordnance, headed, “ Instructions for the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal;” and, that the public service might not be impeded by any scrupulous adherence to forms on my part, I did not hesitate a moment, in the absence of instructions from you, to act upon those which Lieut.-Colonel Fanshawe had received from the Board of Ordnance.

The Committee accordingly proceeded to a personal examination upon the spot of the Plans and Estimates prepared by Lieut.-Colonel By, and of the Contracts entered into; and having accomplished this, and gone over the whole line of the intended navigation, minutely inspecting the works in progress at the different stations, I have the honour to transmit to you the enclosed Report, which I hope may prove satisfactory to you.

In the Instructions which Lieut.-Colonel Fanshawe received from the Board of Ordnance, the Committee are directed to report upon other matters unconnected with the subject of the Rideau Canal; but, conceiving my mission to this country to be confined to this great undertaking, and my presence being urgently required in my own government, it is my intention to return to Nova Scotia without delay.

I have, however, put Lieut.-Colonels Fanshawe and Lewis in possession of my sentiments on several points, which they will report upon to the Board of Ordnance; and they will be able, I feel persuaded, when they return to England, personally to afford the most satisfactory information on every subject referred to them.

I have the honour to be, Sir,

Your most obedient, humble Servant,

James Kempt.

Correspondence
relative to the
Canal Communica-
tion in Canada.

First Article
of Instructions.

Plan and Estimate
examined.

No. 47.—REPORT of the COMMITTEE appointed to assemble in *Canada*
upon matters relating to the *Rideau Canal*.

Kingston, 28 June 1828.

THE Committee have personally examined and considered, upon the spot, the Plan and Estimate, amounting to £. 474,844, as prepared by Lieut.-Colonel By for the Rideau Canal, so far as the details could be produced, the uncleared state of a great part of the country, and the nature of so difficult a work would admit; and although, in some instances, from the extensive line to be selected and traced through a thickly wooded country, some errors were discovered, and Lieut. Colonel By himself had previously had occasion to make some alterations in the arrangement of the locks and dams, the Committee are of opinion, that the Rideau Navigation is practicable; and, from the inquiries and investigations made with reference to the usual height of the waters in the dry seasons, that it is calculated to give at all times a secure Water Communication between the Ottawa and Kingston, when the waters are open.

The judgment which has been evinced in the selection of the positions for the several Canal Works, will, the Committee have no doubt, render them suitable to the interests of the colony, and applicable to the local circumstances of the country, whether in peace or war.

The Committee having attentively gone through the whole Canal line, have every reason to believe that the personal and zealous exertions of Lieut.-Colonel By materially tended to produce that competition which best ensures a due economy of the public money in the formation of contracts. The disappointed expectations of some individuals, and the incompetency of others, have doubtless excited some dissatisfaction; but, from the arrangements which it is proposed should be followed up in the superintendence, so far as the means of the department will admit, and a careful attention to the execution as well as measurements of the work, the Committee trust a corresponding regard to beneficial economy will prevail throughout the whole progress.

The enclosed copy of a letter (A.), left with Lieut.-Colonel By, will explain the ideas of the Committee upon this head, and also regarding such parts of the construction as they felt it their duty to offer an opinion upon.

This Duplicate Report has been furnished by Lieut.-Colonel Fanshawe, the original sent by Lieut.-General Kempt to the Secretary of State; but, as that has not yet been received, I have thought it right not to lose any time in giving the Master General all the information I am possessed of.

10th Sept. 1828. G. M.

N. 10th.

17th Sept. 1828.

As it appears that the original of this Report has not been received at the Colonial Office, let this be sent to Sir George Murray, as the sooner the whole of this Report is considered by him and by the Treasury, the better, that it may be decided what annual sum, beginning with 1829, will be allowed for the carrying on of this work; and though the Ordnance Department has nothing to do with that part of this navigation carrying on in the Ottawa, yet he may remark that no doubt can exist that the locks on that part of the navigation ought to be equal to those still higher up.

B^d.

Can Lieut.-Colonels Fanshawe and Lewis suggest any further means of superintendence advantageous to the object in view, that the Ordnance Department can provide?

B^d.

Second Article.

Contracts exam-
ined.

Roads of Commu-
nication.

The detail of the Contracts entered into by the Commissariat, upon specifications given to the parties by Lieut.-Colonel By, have been particularly examined; and the specifications appear to be drawn up with care and perspicuity.

The Roads which have been made through the woods at different parts of the line, were indispensably necessary for the communications, and to facilitate the superintendence of the department. And although the Committee cannot speak specifically as to the precise effect or benefit to the execution of the work, produced by the Chaudière Bridge, there appears no doubt that the prospect of such a communication between the small settlement of Hull, on the left bank of the Ottawa, and the wild uncleared country near the entrance of the Rideau, produced in some degree a stimulus and inducement to individuals to enter into the work.

The question of their construction was previously referred to, and approved by, the Commander of the Forces. Moreover, these bridges will eventually be of essential importance in facilitating the settlement of the adjacent country.

The

The Committee have inquired into the mode in which the public money has been expended, with a view to the most economical completion of the work, and have paid particular attention to the circumstances under which this work has thus far advanced, in a country which, two years since, was, with very little exception, a complete wilderness. Although in fixed stations, with organized establishments, a more uniform system of regularity would have prevailed, they have every reason to believe that economy has not been heedlessly lost sight of by Lieut.-Colonel By; and that he has, in accordance with what he believed to be the spirit of his instructions, pushed forward the work, and excited a degree of exertion throughout the department, which few individuals would have accomplished.

Third Article.

—
Economy of the
Works inquired
into.

Before entering upon the question of enlarging the Locks, as adverted to in the fourth and sixth Articles of Instructions, the Committee beg to describe the general state in which they found the existing navigation of the Ottawa and Rideau between Montreal and Kingston.

Fourth and Sixth Articles.

—
Enlargement of
the Locks.

This line may be divided into two portions: 128 miles from Montreal by the Ottawa to By Town, at the entrance of the Rideau; and 154 miles by the Rideau River and Lake Navigation from By Town to Kingston.

The *first* commences with La Chine Canal at Montreal, extending nine miles, and is complete for vessels not exceeding twenty feet beam, and five feet depth of water. This is a provincial work.

At the junction of the Ottawa and St. Lawrence, at the western extremity of Montreal Island, are St. Ann's Rapids, and the Vaudricol Passage, separated by the Isle de Perrot, and not navigable for vessels of the above draft in dry seasons. But from hence, for a distance of twenty-seven miles to the foot of Carillon Rapids, such vessels may be used.

The Carillon Rapids are not navigable, and will require a Canal $1\frac{1}{2}$ mile long, with two locks.

The Chûte à Blondeau is a short Rapid, intermediate between the Carillon and Grenville, which will also require a Canal, and one lock.

At the foot of the Long Saût of the Ottawa commences the Grenville Canal, now executing by the Staff Corps, originally intended for vessels of twenty feet beam, and four feet draft of water, but will admit of six feet water. Three out of six locks intended for the Grenville Canal, and nearly all its excavation, are completed.

This distance of interrupted navigation, from the foot of the Carillon to the head of the Long Saût, is about twelve miles:—from hence, to the entrance of the Rideau Navigation, is a distance of sixty-four miles, having occasional shoals, with not more than five feet water in dry seasons.

The *second* part of the Back Water Communication commences at Entrance Bay; from whence, to Rideau Lake, a distance of eighty-three miles, with a lockage of 283 feet, the river is capable of, and the Estimate is calculated for, a depth of water of five feet.

In one part of the Rideau Lake, at the Narrows, it is intended to deepen four feet six inches, to ensure the five feet at all seasons. This Lake is the summit pond for the supply of both arms of the Rideau line. To regulate and control the water in wet seasons, the surplus will be let off by a waste weir, with sluices at White-Fish Falls, leading to the Gannoniqui River and the St. Lawrence, eastward of Kingston.

From Rideau Lake to Kingston, a distance of thirty-nine miles, and a descent of 154 feet, five feet depth of water only has been contemplated; and even to obtain this, a small portion of Kingston water must be deepened three feet.

It would be unnecessary to detail the particular portions executed of each work; but upon the Rideau line to the summit pond, one-sixth of the work generally may be considered accomplished.

On the Lakes which are to form the summit pond, about one-seventh of the work is done; and from thence to Kingston one-eighth appears done.

Contracts

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cation in Canada.

Contracts are entered into for four-fifths of the navigation from the Ottawa to Kingston; and such preparations made for the progress of the work, that, although the amount of expenditure will greatly exceed that contemplated in the Instructions, the Committee had *no alternative*, but either to suspend their sanction for the further advance, and thereby involve Government in a certain loss for detention and breach of contract, or to authorize Lieut.-Colonel By to proceed upon what they consider the most practicable means of adapting this navigation for all probable naval and military purposes, and for the commercial uses of the Upper Country, with a view also to the uniformity of the whole Back Water Communication.

The nature of the navigation will not admit of towing-paths, except for certain short distances: it therefore appears, that for all operations of war, some certain means must be adopted of propelling vessels; and steam-boats, either for towing or transport, seem to be the only alternative; whilst for commercial purposes individuals may either avail themselves of the same certain means, or trust to their sails and sweeps.

The Committee see no advantage in locks of fifty feet width, without a corresponding depth of water; and to obtain that, a further increased probable expense of nearly £.250,000, in deepening a great portion of the line (as the banks will not admit of increased inundation), is estimated by Lieut.-Colonel By, besides an alteration of the Grenville Canal, an enlarged scale of construction for Châte à Blondeau, Carillon and St. Ann's; and eventually (with permission of the Province), an alteration of La Chine, or the opening the navigation by the river, on the north side of the island of Montreal.

And here the Committee must explain with respect to Lieut.-Colonel By's small comparative increase of £.53,000 upon his original Estimate of £.474,844, for the purpose of enlarging the locks from twenty to fifty feet, that the latter sum embraces the substance of masonry and gates, as well as the dimensions of La Chine Canal; whilst the Lieut.-Colonel proposed in the fifty feet lock to reduce the thickness of the side walls to the usual dimensions, proportioned to the resistance that is required; to alter the construction of the sluices and the position of the gates; moreover, the extra cutting had been originally provided for, as Lieut.-Colonel By had thought it necessary to open the Canal part for the passage of timber rafts; and this service is already executing in many parts of the line.

The original Estimate did not comprehend the expense of the Civil and Military Establishment required for the service of the Rideau Canal during its progress, nor the remuneration of individuals for the removal of mills, &c. and for land on the banks of the Catarqui, which will be inundated. These expenses are included in a letter from Lieut.-Colonel By, dated the 26th inst. which states his total contemplated expenditure for the Rideau Canal, with fifty feet locks, upon his own construction, at £.599,176. 2. 9½., and that the work would be completed in the year 1831.

Scale of Navigation
proposed by the
Committee.

After a careful consideration of all the circumstances attending this very great undertaking, and a most anxious desire not unnecessarily to involve the Mother Country further into an extent of expenditure little contemplated in the outset, at the same time not to sacrifice any large portion of the expenses already incurred or engaged for by specific contracts, the Committee recommend that the whole Back Water Communication should be completed, with five feet depth of water; and the locks uniformly adapted for the passage of steam-boats 30 feet wide over the paddle boxes, and for spars 108 feet long), besides ample space for working the gates.

The usual traffic of the St. Lawrence is in Durham boats, two of which would easily pass a lock of the above dimensions at a time.

A steam-boat 30 feet wide and 108 feet long, with a thirty-two horse power, would tow at least two Durham boats from four to five miles an hour in the still water obtained by the dams.

Steamers of this size are best adapted for, and are nearly similar to, those now plying on the Ottawa, and are equal to some of the smaller boats now on the St. Lawrence, between Quebec and Montreal. The Committee also think that longer boats would be inconvenient in some parts of the Rideau Navigation. So that
without

without establishing a different description of boat for each part of the line, those now in use, viz. the small steamers and the Durham boats, would be available for the whole, and might be taken up for ordinary occasions in ample numbers for military movements, and for the transport of naval stores.

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cation in Canada.

The Committee have attentively viewed the practicability of transposing such of the Locks as are contemplated in front of the Rideau Navigation, as adverted to in the First Article of Additional Instructions; but although it would be feasible, the selection of their intended sites was generally pointed out by the nature of the ground; and the transposition would, in the opinion of the Committee, be attended with an expense greatly beyond any advantage which a careful examination of the country, and a consideration of the degree of protection which such an alteration might afford.

First Additional
Instruction.

Transposition of
the Locks.

The river itself is the navigation, and the top of each dam will be a ford; therefore, as no natural impediment would exist, the only means of protecting the artificial works from demolition by an enemy, will eventually be by works of defence, or by a corps of observation.

The country between the Rideau and the St. Lawrence is now but partially settled, and the remainder thick wood; so that the military features cannot be accurately reconnoitred: the Committee therefore recommend only at present such a construction of the lock-houses (which will serve as a rendezvous for the Militia) as will secure protection against small numbers, until the general settlement of the country will identify the preservation of the navigation with the property and interests of the neighbouring inhabitants, will assist in the general defence, and will point out clearly the expediency, nature and situation for more important works.

Second Article of
Additional In-
structions.

Present Protection
of the Artificial
Works.

The Committee have directed Lieut.-Colonel By's attention to this point, with a view to securing at once such portions of land along the line as may appear calculated for defensive occupation.

The Central Dépôt between Montreal and Kingston, the Committee think should be at By Town, at the entrance of the Rideau Navigation, where the ground is peculiarly favourable for defence, and the situation affords great facility in embarking and disembarking men and stores.

Sixth Additional
Instruction.

Situation for a
Central Depot.

Lieut.-Colonel By has been desired to cause an accurate survey of the position for the dépôt to be made, together with a valuation of whatever land may be required in addition to the part already reserved.

By the copy of the letter (A.) left with Lieut.-Colonel By, it will be seen, that the Committee have authorized his proceeding with the work on the scale and construction, and under regulations which appeared to them expedient, to an extent of expenditure not exceeding £. 105,000 for the year 1828, in compliance with the First Article of Instructions. They now beg to annex Lieutenant-Colonel By's account of the probable total expense of the Navigation, amounting to £. 576,757. 14. 9½., but which, according to the calculations of the Committee, will be reduced to £. 558,000; and this sum they have every reason to believe will be found ample to meet any probable contingency that may occur. They also beg to repeat, that it includes the charge for the Military and Civil Establishment to the year 1831, amounting to £. 60,614, and the probable remuneration to individuals for loss of property, estimated at £. 10,662.

No. 48.

£. 576,757. 14. 9½.

(signed) *Jas. Kempt*, Lieut.-General.
Edw. Fanshawe, Lieut.-Col. Royal Engineers.
G. G. Lewis, Lieut.-Col. Royal Engineers.

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cation in Canada.

No. 48.—LETTER (A.) from the COMMITTEE to Lieut.-Colonel By,
&c. &c. &c.

SIR,

Kingston, 28th June 1828.

THE Committee appointed to assemble in Canada respecting the Rideau Canal having gone through the line of navigation, and examined the nature and construction of the works proposed by you, the extent of the contracts entered into, the mode adopted for the prosecution of the work; and certain individuals having preferred claims which, if just, it is desirable should be liquidated as soon as possible, desire to call your attention to, and request your compliance with, the following observations:—

17 September 1828.
The Master General considers these Instructions to Lieut.-Colonel By judicious.

B^d

The account of monies expended upon the Rideau Canal up to the 23d January 1828, transmitted to England by you, states the amount at £.61,236. —. 6⁴. The Committee are instructed to authorize you to lay out upon the work in the year 1828 the sum of £.105,000, under the following restrictions; and we beg to caution you, in the clearest manner, against undertaking any further works until those already in progress are sufficiently advanced to enable you to appropriate funds for other parts.

You will be pleased to understand that, in the first place, you are to deduct from the £.105,000 your expenditure from the 23d January 1828 up to the present period. Secondly, We have to request you will, on the 30th of this month, discharge every just claim on the Department, according to the terms of contract, and upon the most careful measurement and examination by the certifying officers. The balance remaining out of the £.105,000, after the payments above described, will be the sum you are authorized to expend in the following manner during the year 1828.

The navigation is to be carried on between the Ottawa and Kingston upon a continuous depth of water of five feet at the lowest seasons, calculating the Kingston waters at present as four feet above the lowest level.

The locks are to be capable of containing a steam-boat thirty feet wide over the paddle boxes, and 108 feet long, clear of opening the gates.

The Committee cannot, upon so extensive a line, authorize any deviation from the original mode of placing the sluices, or the position of the gates; but they concur with you in reducing the thickness of the masonry in the side walls, as shown in your Section of 1st December 1827.

With respect to the construction of the dams, the Committee recommend the greatest attention to the abutments, and that the upper surface be formed of joggled masonry, as shown in the Section for Jones's Fall-dam sent to England by you, and approved by the Committee which assembled in London.

The Committee concur in the advantage of the alteration proposed by you as regards the arrangement of the locks between Dow's Great Swamp and the Hog's Back, the inundation of the swamp itself, and the concentration of four locks at Kingston Mills, to obtain an uninterrupted navigation up to Brewer's Lower Mills, provided the existing contracts are of a nature to authorize such a deviation from the original Plan.

You are requested to favour the Committee with the amount that will be required for the total expense of the Rideau Navigation upon the above scale and construction.

The Committee are aware, that in an undertaking of the nature of the Rideau Navigation, through an uncleared country, it has not been possible, with the means at your command, and the expedition which has been used, to practise that degree of regularity and vigilant superintendence by executive professional officers which is indispensable, and can alone, in its further progress, ensure a proper economy of the public money, consistent with the effectiveness and durability of the work; but they beg particularly to impress upon you their opinion, that the military officers, and the professional civilians of the department under your orders, should be immediately dislocated throughout the works in progress in such a manner as to secure for every part of the line at least a daily inspection, with such more constant superintendence as will ensure the most substantial and creditable execution of the very important

important work which has been committed to your charge, and that each officer should keep a full and complete diary of the progress, reporting in abstract to you weekly.

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cation in Canada.

The Committee cannot sufficiently recommend the most careful scrutiny and examination by the executive officers under your authority of all claims by contractors or others employed by Government, with a desire to do strict justice, and to satisfy individuals that such a feeling is consistent with your own wishes and the due progress of the work.

The Committee are of opinion, that, especially in a work of such magnitude, where officers are liable to removal, and many individuals concerned, all check of time, and all measurements of work or material, should be entered in a book kept as a public record, signed by the certifying officers whenever measurements are made, and assented to at least weekly by the signature of the claimant.

An abstract from this book, transmitted quarterly to By Town, will enable you to order corresponding payments, agreeably to the terms of contract.

We have to call your attention to the expediency of constructing the lock-masters' houses in such a manner, and in such situations, as that they will become defensible guard-houses, and a protection to the locks and dams at the several stations; and that you should submit to the proper authorities the reservation or purchase of such land at each station as appears best adapted for military works.

The Committee have already recommended an accurate survey of the ground about By Town; and we request you to annex to it the valuation of whatever additional land, beyond the present reserve, as will be required for a dépôt for 5,000 men.

We have, &c.

(signed) *J. Kempt*, Lieut.-General.
Edw. Fanshawe, Lieut.-Colonel Royal Engineers.
G. G. Lewis, Lieut.-Colonel Royal Engineers.

No. 49. —LETTER from Lieut.-Colonel *Fanshawe* to General *Mam*,
&c. &c. &c.

SIR,

Kingston, 30th June 1828.

MY letter of the 14th May will have announced to you the arrival of Lieut.-Colonel Lewis and myself at Montreal; and by my subsequent communication to Lieut.-Colonel Ellicombe (14th June), you will have been informed of Lieut.-General Sir James Kempt's arrival, as President of the Committee on matters relating to the Rideau Canal. The Instructions received from the Master General and Board were put into his hands; and we have since accompanied the General through the line of navigation, and examined into all matters connected with that undertaking, as pointed out by the Instructions.

I now beg to transmit for your information, and that of the Master General, a copy of the Report of the Committee upon the Rideau Canal, together with its enclosed copy of a letter addressed by us to Lieut.-Colonel By, dated the 28th instant.

You will perceive, that the Committee have authorized the construction of a thirty-feet wide lock, with five feet water; a greater depth could not be gained but at a very great increase of expense; and even to obtain the five feet, parts of the Rideau Lake and the Kingston Waters will require a considerable sum; but the service had been contemplated in Lieut.-Colonel By's original Estimate.

The Committee did not think the navigation calculated for larger vessels than the proposed locks will admit.

The Lieut.-Colonel has already, by letter, dated 10th instant, informed you, that the subsistence and military expense of the two companies of Sappers, is not provided for in the Rideau Estimate; other parts of the establishment, and remuneration to individuals for the loss of property, such as mills which will be destroyed, and land flooded by the navigation, have in like manner to be added; so that the

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cation in Canada.

total probable expenditure as now proposed, will amount to £. 558,000. And if our proceedings are approved, it will be desirable that Lieut.-Colonel By should, as soon as possible, be informed of the rate of annual expenditure which he may calculate upon. He wishes, if the Grants can be made, that the work should be completed in the year 1831.

Lieut.-General Sir James Kempt returns immediately to his government, having completed the Canal question.

Lieut.-Colonel Lewis and myself will proceed with the duties prescribed in the other parts of the Master General's Instructions, which are already in an advanced state, and shall return to England so soon as they are accomplished.

I have the honour to be, Sir,

Your most obedient, humble Servant,

Edw. Fanshawe,

Lieut.-Colonel Royal Engineers.

No. 50.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 29th September 1828.

THE Master General and Board having had under consideration the enclosed letter from Lieut.-Colonel Fanshawe, conveying a copy of the Report of the Committee appointed to assemble in Canada, upon matters relating to the Rideau Canal, I have the honour, by command of the Master General and Board, to transmit the same, with his Lordship's Minutes of 17th instant annexed, for the information of Secretary Sir George Murray.

I have, &c.

(signed) *R. Byham.*

No. 51.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 22d October 1828.

I HAVE laid before Secretary Sir George Murray your letter of the 29th ult. enclosing a Copy of the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal; and I am directed to acquaint you, that, previous to expressing any opinion upon the subject, Sir George Murray is desirous that a comparative Estimate should be made out, showing the difference between the expense of completing the Back Water Communication upon the same scale as to the depth of the Canal, and the size of the locks, as the La Chine Canal, and that of completing it upon the scale proposed by the Committee; and I am to request that you will submit this suggestion for the early consideration and decision of the Master General and Board of Ordnance.

I am, &c.

(signed) *R. W. Hay.*

No. 52.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 7th November 1828.

HAVING submitted to the Master General and Board your letter of the 22d ult. respecting the Rideau Canal, and signifying the desire of Secretary Sir George Murray, that a comparative Estimate should be made out, showing the difference between the expense of completing the Back Water Communication, upon the same scale as to the depth of the Canal, and the size of the locks, as the La Chine Canal, and that of completing it upon the scale proposed by the Committee; I am directed, to transmit herewith a Copy of a Report from Lieut.-Colonel Fanshawe, with a Minute thereon from General Mann, accompanied by the comparative statement therein adverted to; and the Master General and Board request you will submit the same to Sir George Murray, in reference to your letter above-mentioned.

I have, &c.

(signed) *R. Byham.*

No. 53.—LETTER from Lieut.-Colonel *Fanshawe* to General *Mann*,
&c. &c. &c. with Minute thereon.

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cation in Canada.

Harwich.

28th October 1828.

SIR,

1. I HAVE to acknowledge the receipt of your Minute of the 27th instant, directing me to furnish the information required by the Secretary of State for the Colonies in the enclosed letter of the 22d, respecting the Back Water Communication between Kingston and Montreal.

2. I have drawn up the accompanying Comparative Statement, grounded upon the different Estimates which have been framed by the executive officers from actual levels, and, so far as it goes, I hope it is tolerably correct.

3. But, as regards the continuation of the navigation from the Lake of the two Mountains on the Ottawa to the St. Lawrence, either by Rivière des Prairies, on the north side of Montreal, or by St. Ann's Rapids and La Chine, I beg to state, that no accurate survey or levels for the purpose of ascertaining the exact expense have been taken.

4. The ground was visited, to ascertain the practicability of either line, and the general levels of the banks; but until very careful sections are taken, I cannot venture to offer detailed Estimates.

5. As a comparative statement, I should think that a Canal to pass St. Ann's Rapids would, on the scale of La Chine, cost £. 25,000; and on the Committee scale, that the expense would be nearly £. 40,000.

6. La Chine Canal is a provincial work; it is at present calculated for Durham boats, and it has a towing path; therefore, although the proposed steam tow-boat could not pass these locks, there need be no trans-shipment of stores. The laden boats might pass, and be taken in tow by another steamer after getting through this piece of Canal; consequently the enlargement of the La Chine would, to a certain extent, be optional.

7. And here I take the liberty to remark, that my own opinion is much in favour of making the continuous line of Back Water Communication pass from Quebec to the Upper Provinces, by Rivière des Prairies, on the north side of Montreal Island, avoiding both St. Ann's and La Chine

I have, &c.

(signed) *Edward Fanshawe*,
Lieut.-Colonel Royal Engineers.

135.

Forwarded to the Board for their information and orders, in reference to their Minute of the 24th instant, on the enclosed letter from the Colonial Office. In forming any comparison of the expense of the Canal and Locks of this Water Communication upon a large scale, with the dimensions of the La Chine Canal, it is now merely as concerns the Rideau a matter of information, but not to control any decision; because the Rideau Canal is now carrying on upon the large scale that the Committee last sent to Canada have been authorized to order to be executed; therefore no alteration can be now made with respect to that part of the work, the Estimate of which must stand as it does at £. 558,000; the other portion of the Back Water Communication is shown in the enclosed Abstract, furnished by Lieut.-Colonel Fanshawe, with the exception of St. Ann's, which in this letter he has assumed to be £. 40,000 for the large scale, and £. 25,000 for the La Chine dimensions.

G. M.

31st October 1828.

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No. 54.—COMPARATIVE STATEMENT, by Lieut.-Colonel *Fanshawe*.

COMPARATIVE STATEMENT, showing the probable difference between the Expense of completing the BACK WATER COMMUNICATION between *Kingston* and *Montreal*, upon the same Scale, as to the depth of the Canal, and the size of the Locks, as the *La Chine* Canal, and that of completing it upon the Scale proposed by the Committee's Report of 28th June 1828.

	On La Chine Scale.	Committee Scale.	
	£.	£.	
From Kingston to the Ottawa	* 516,309	558,000	In progress on Committee Scale.
Grenville Canal - -	18,000	59,100	Commenced for only four feet water; since enlarged.
Chûte à Blondeau Canal -	8,800	12,540	Not commenced.
Carillon - - - -	55,863	105,000	ditto.
St. Ann's - - - -	No detailed Estimate formed, the ground not being purchased, or the levels taken.		
La Chine - - - -	- - -	- - -	Provincial work.

* Lieut.-Colonel By's Estimate would make this amount to £. 576,121; but the proposed reduction in the substance of the masonry and gates, will reduce the amount to the sum above stated.

(signed) *Edward Fanshawe*,
Lieut.-Colonel Royal Engineers.

No. 55.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR, Downing-street, 22 November 1828.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a letter from the Secretary to the Ordnance, enclosing the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal. I also enclose a Memorandum, showing the sums which remain to be provided to complete the Rideau and Grenville Canals, according to the Estimates of the Committee; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships that it is very desirable that Lieut.-Colonel By should be enabled to complete the work in 1831; and I am to request that you will communicate to me their Lordships' decision as to the amount of the Estimate to be submitted to Parliament.

I am, &c.
(signed) *R. W. Hay*.

Memorandum:—

RIDEAU CANAL:		£.
Total estimated expense - - - - -	-	558,000
Deduct granted in 1826, 1827 and 1828 - - - - -	-	166,000
Remains to be provided -	£.	392,000
GRENVILLE CANAL:		£.
Total estimated expense - - - - -	-	59,000
Chûte à Blondeau - - - - -	-	12,540
Carillon - - - - -	-	105,000
St. Ann's (no estimate received).		
Deduct already granted - - -	-	176,640
Remains to be provided - -	£.	96,640

29 Sept. 1828.

No. 56.—TREASURY MINUTE as to further Estimates towards completing
the *Rideau* and *Grenville* Canals

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cation in Canada.

Copy of the Treasury Minute of 23d December 1828.

READ Letter from Mr. Hay, dated 22d November, transmitting Copy of one from the Secretary of the Ordnance, with the Report of the Committee appointed to assemble in Canada upon matters relating to the Rideau Canal; together with a Memorandum, showing the sums which remain to be provided to complete the Rideau and Grenville Canals, according to the Estimate of the Committee;—and Mr. Hay at the same time states, by direction of Secretary Sir George Murray, that it is very desirable that Lieut.-Colonel By should be enabled to complete the work in 1831;—and Mr. Hay requests to be favoured with the decision of My Lords as to the amount of the Estimate to be submitted to Parliament.

Acquaint Mr. Hay, that My Lords approve of the application of the sums mentioned in his letter for the further prosecution of those works in the ensuing year; viz.—

For the Rideau Canal	-	-	-	£.130,666.	13.	4.
Grenville Canal	-	-	-	32,233.	6.	8.

and that their Lordships will give the necessary directions that Estimates for the same should be prepared and laid before Parliament.

No. 57.—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 12th January 1829.

THE Master General and Board having had before them a Report, dated the 20th November last, from Lieut.-Colonel By, upon matters relating to the Rideau Canal, and the Funds which will be required in the prosecution of the work;—

I have the honour to transmit herewith a Copy of the said Report, for the information of Secretary Sir George Murray; and, adverting to Lieut.-Colonel By's statement of the sums which will be required for completing the Canal in the period of time originally calculated by the Duke of Wellington, the Master General, and Board, beg to represent the very great importance of Lieut.-Colonel By being informed as early as possible of the amount intended to be allowed him for expenditure on the work in the present year; and they recommend that the amount he applies for (viz. £.137,000) may be granted.

I am at the same time directed to state, that the Master General and Board propose, if Sir George Murray sees no objection, to sanction the tolls for crossing the bridges, as proposed by Lieut.-Colonel By.

I have, &c.

(signed) *R. Byham*.

No. 58.—REPORT upon Matters relating to the *Rideau* Canal.

Lieut.-Colonel *By* to General *Mann*, &c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal,
20th November 1828.

I HAVE the honour of transmitting, for the information of his Lordship the Master General and Right Honourable and Honourable Board of Ordnance, the Progress Report of Works and Expenditure on the Rideau Canal from its commencement on the 21st September 1826 to the 1st November 1828, at which date I had expended £.141,313. 15. 5 $\frac{1}{2}$.; and between the 1st and 20th instant, I have paid £.12,003. 5. 11 $\frac{1}{2}$. making my total disbursement £.153,317. 1. 5 $\frac{1}{2}$., which leaves a balance of only £.12,582. 18. 6 $\frac{1}{2}$., of which I suppose £.5,000 is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction to state, that although my

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operations have been much retarded by the restricting of my expenditure in the commencement of the present year to £. 41,000, until the Committee, on 29th June, authorized my expending £. 105,000, and the sickness among my men and officers, which created a sad stagnation in the works; yet, taking these unexpected events into consideration, there has been an astonishing quantity of work performed; as fully detailed in the accompanying Report. The line of bridges erected across Ottawa at the Chaudière Falls is completed; and although the great Kettle Bridge was destroyed by the chains breaking, on 2d April last, it has been rebuilt, and that service completed at an excess of only £. 372. 14. 4 $\frac{1}{2}$. on the original Estimate. The traffick appearing very great, I have ordered a toll-house and gates to be erected, and the following notice to be fixed at the gate; and conceive the tolls will produce at least £. 100 currency per year, which will be paid, as collected into the military chest, until I receive instructions on that subject:—

“ THESE Bridges across the Chaudière Falls, having been built at the expense of His Majesty’s Ordnance, Orders are given, That no person whatever shall be permitted to pass, until they have paid one Penny; one Penny also to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb and pig; and Two-pence for every waggon, sleigh or carriage, until the pleasure of His Majesty’s Ordnance is known.

(signed) “ John By,
“ L^t Col^l Roy^l Eng^l.”

I have succeeded in making the mound across Dow’s Great Swamp water tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog’s Back twenty-seven feet perpendicular, and am now busily employed in carrying on that work in thickening the base, and completing the arch key-work across the river, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by that time next year to have the water raised to the required height of forty-five feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £. 137,215. 11. 10 $\frac{1}{2}$. per annum in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831; but I shall require the assistance of six officers of royal engineers, in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have, &c.

(signed) John By,
Lieut.-Colonel Royal Engineers.

No. 59.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 16 January 1829.

I HAVE laid before Secretary Sir George Murray your letter of the 12th instant, and I am directed to acquaint you, in reply, that the Lords Commissioners of the Treasury have sanctioned the expenditure of £. 130,066. 13. 4. on the Rideau Canal, and £. 32,213. 6. 8. on the Grenville Canal for the year 1829; and a communication to that effect was made to the Commander of the Forces in Canada by the American mail of the present month.

With respect to the proposed Tolls on the Bridges across the Chaudière Falls, Sir George Murray is not aware of any objection to levying the Tolls, provided it can be done without infringing on any provincial law.

I am, &c.

(signed) *R. W. Hay*.

No. 60.—LETTER from Sir *James Kempt* to the Right Hon. Sir *George Murray*,
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Quebec, 12th February 1829.

IN submitting for the approval of His Majesty's Government the accompanying Estimate for the completion of the Grenville Canal (No. 1.), Plans and Estimates of the Canals proposed to overcome the obstructions to the navigation of the Ottawa at the Chûte à Blondeau (No. 2), and Carillon Rapids (No. 3), I beg to call your attention to the despatch upon the Canals at Grenville and Chûte à Blondeau, addressed by the Earl of Dalhousie to Mr. Huskisson on the 30th January 1828, a copy of which is herewith enclosed.

No. 61.

No. 62.

No. 63.

No. 64.

The Grenville Canal is about six miles in length: it is now navigable, on the original scale, to within half a mile of its lower or western extremity, and the excavation is nearly completed along its whole extent.

It was originally intended that the locks on this Canal should have been of similar dimensions with those of the Canal at La Chine (108 feet long by twenty in breadth), and suited only to the navigation of Durham boats, and other small craft. But in the summer of 1828, the Committee, of which I was President, directed the locks which had not been commenced, and those which admitted at that period of the necessary alterations, should be constructed on the enlarged scale (134 feet long, or 110 feet clear of the gates, and thirty-four feet wide), to correspond with the locks of the Rideau Canal, and adapted to the navigation of steam-boats thirty-three feet broad across the paddle-boxes.

The three upper locks have been finished on the original scale; the pits of the two next are nearly completed on the enlarged scale; and those of the two lower (on the same scale) are in an advanced state. Major Du Vernet, commanding the Royal Staff Corps, reports, that, with the means he now possesses, the Canal cannot be completed before the spring of 1830.

The sum already expended on the Grenville Canal, you will perceive, by the accompanying Statement (No. 5.), amounts to £.113,920 sterling; and the Estimate for its completion (No. 1) is £.21,000 sterling, giving an aggregate amount of £.134,920 sterling, exclusive of a considerable quantity of stores and tools supplied by the Barrack and Store-keeper General's Department, the amount of which cannot now be ascertained. To overcome the obstruction at the Chûte à Blondeau, a Canal of 700 feet in length, with one lock, will be required.

No. 67.

No. 61.

The soil through which the Canal will pass being of a very rocky description, and the excavation in consequence very expensive, it is proposed to form the Canal of a somewhat diminished breadth, from which, as its extent is so small, it is supposed that no inconvenience can arise. The estimated expense for the completion of this Canal is £.11,580 sterling.

The Canal projected at the Carillon Rapids is a much more considerable operation than that at Chûte à Blondeau, extending two miles and 228 yards, generally traversing a rocky and difficult soil.

The formation of this Canal upon the full dimensions (seventy-five feet wide at the surface of the water), through a soil of that character, would greatly increase its expense; it is therefore proposed to form it also of a reduced breadth, though of sufficient width throughout to admit of the passage of a steam-boat of the largest class frequenting this navigation, with two "lay-bys, or passing places," for those boats.

Major Du Vernet is of opinion, that those reduced dimensions will answer every purpose of this Canal; and, by placing the lock-houses on elevated situations, signals might, if necessary, be made to prevent boats from encountering each other in the narrow parts of the Canal.

Upon this Canal two locks will be required, and its estimated expense is £.58,000 sterling.

To increase the breadth of the Canal along its whole extent to the full dimensions (seventy-five feet), would cause an augmentation of the Estimate to the amount of £.23,500 sterling.

The locks of the Canals proposed at the Chûte à Blondeau and Carillon Rapids,
135. you

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you will perceive by the Estimates, are of the same dimensions with those on the Rideau Canal, and calculated for the navigation of steam-boats of thirty-three feet across the paddle-boxes. Major Du Vernet is of opinion that they cannot be completed in less than three seasons with the means now under his control. Those means he considers insufficient to supply the military overseers required to superintend operations on so extensive a scale : with a view, therefore, to accelerate their completion, but more especially the excavations, he recommends that they should be executed by contract under the general superintendence of the Royal Staff Corps ; and though he is not aware whether this system would tend to increase or diminish the estimated expense of the Canals, I beg most strongly to concur in the propriety of this recommendation.

The completion of those three Canals will obviate every impediment to the navigation from the Rapids of St. Anne, on the St. Lawrence, to the mouth of the Rideau Canal : until they, and a Canal to turn the Rapids at St. Anne, are finished, the great advantages which the Rideau Canal will yield to the defence, and to the commercial and agricultural interests, of the Canadas cannot be obtained ; and as they severally form component parts of the great system of internal navigation which Great Britain has undertaken for the benefit of these colonies, and upon which their defence so materially depends, I beg most earnestly to recommend, that the completion of the Grenville, Châte à Blondeau and Carillon Canals may be authorized with all the expedition of which circumstances admit.

The ground in the vicinity of the St. Ann's Rapids I have directed to be surveyed when the season permits, and a Plan and Estimate of the Work required to obviate the interruption they present to the navigation of the St. Lawrence to be prepared by Major Du Vernet, which, when received, I shall submit for your consideration ; and in the course of the ensuing summer I trust I may be enabled to adopt a similar proceeding with respect to the Water Communication *in rear* of the Island of Montreal, which I consider a most important part of the back navigation of this country.

I have, &c.
(signed) James Kempt.

No. 61.—ESTIMATE of the probable Amount of Sums required to complete the Works at Grenville.

	£.	s.	d.
Excavation from the mouth of the Canal to the Regulating Lock 500 yards, 2 feet deep and 33 feet wide, 3,666 cubic yards - - -	549	18	-
Making a Dam to effect the same - - - - -	50	-	-
Completing the Pier, &c. - - - - -	50	-	-
Completing the 4 Lock-houses - - - - -	50	-	-
Fourth and Fifth Locks :			
Excavating 596 yards of rock in 5th Lock Pit, at 3s. per yard - -	89	8	-
Excavating 1,191 yards of rock and earth in 4th Lock Pit, at 2s. per yard	119	2	-
Ashler wanting for the 4th and 5th Locks, to make up the quantity required, 7,549 feet, at 3s. - - - - -	1,132	7	-
Ditto - of coping 350 running feet - - - - -	200	-	-
80 Square feet of pavement - - - - -	80	-	-
Sixth and Seventh Locks :			
5,657 Yards of rock to be excavated in Lower River Lock Pit, at 4s. -	1,131	8	-
2,580 Yards for 6th Lock Pit, at 4s. - - - - -	516	-	-
Ashler wanting to complete 10,463 feet, at 3s. - - - - -	1,569	9	-
900 Feet of coping pavement, hollow coins, and sills for the two Locks ; if they must be got from the Hawkesbury Quarry, it is supposed will cost about - - - - -	1,800	-	-
A Coffe-dam in the river at Greece's Point - - - - -	150	-	-
Pumping out the water, and keeping the space dry during the excavation	100	-	-
Excavation about 2,000 feet of rock out of the bed of the river within the dam - - - - -	310	-	-
5,623 Feet of oak timber, at 1s. 6d. per foot, to construct the 12 Lock-gates - - - - -	421	14	6
Carried forward - - - £.	8,319	6	6

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	£.	s.	d.	Correspondence relative to the Canal Communi- cation in Canada.
Brought forward - - - £.	8,319	6	6	
150 Barrels of cement, at 30s. per barrel - - - - -	225	-	-	
Cedar post for scaffolding - - - - -	18	-	-	
Machinery for raising sluices, anchor-plates, gudgeons, racks, &c. for swing-bars, and other cast-iron works for the four Locks, estimated at -	543	3	-	
Iron, steel, and other stores required, estimated at - - - - -	472	11	1	
7,000 Bushels of charcoal, at 6s. per bushel - - - - -	175	-	-	
700 Cords of hemlock for burning lime, at 4s. per cord - - - - -	140	-	-	
5 Chaldrons of coals, at 32s. per chaldron, exclusive of transport - - -	8	-	-	
Work of two pair of sawyers - - - - -	360	-	-	
8 Blacksmiths, 5s. per diem, 312 days - - - - -	624	-	-	
10 Carpenters, at 5s. 6d. ditto - - ditto - - - - -	858	-	-	
10 Stonecutters, at 5s. 6d. day-work, 166 ditto - - - - -	456	10	-	
50 Builders, at 5s. 6d. ditto - - ditto - - - - -	2,282	10	-	
200 Labourers attending builders, at 2s. 6d. per diem - - - - -	4,150	-	-	
50 Labourers raising rough stone for backing - - - - -	1,037	10	-	
8 Lime-burners, at 3s. 166 days - - - - -	199	4	-	
12 Men boating sand - - - - -	249	-	-	
9,274 Rations on Sundays for the above number of men, at 6d. per ration - - - - -	231	17	-	
20 Hired horses, 166 days, 5s. each - - - - -	830	-	-	
Forage for 10 public horses, at 1s. 3d. 365 days - - - - -	228	2	6	
Probable expense of hire of oxen - - - - -	50	-	-	
Probable expense of transport - - - - -	100	-	-	
10 Per cent. Contingencies - - - - -	2,155	15	4 1/2	
Salary of the Clerk of Works per annum - - - - -	136	-	-	
Wages and rations for Master Carpenters - - - - -	146	-	-	
Charge of Mr. Mears for the use of the quarry - - - - -	100	-	-	
Remuneration to Allen Cameron for his quarry, supposed about - - -	50	-	-	
Ditto to Stothers, supposed - - - - -	50	-	-	
For permission to take clay for puddling dams - - - - -	20	-	-	
TOTAL - - - £.	24,216	6	5 1/2	
Equal to in sterling - - - £.	20,987	9	7 1/2	

Montreal, }
Dec. 22, 1828. }

(signed) *Henry Du Vernet,*
Major Royal Staff Corps.

No. 62.—ESTIMATE of the probable Expense of making a CANAL and LOCK
at *Chûte à Blondeau* for Steam-boat Navigation.

THE Locks 33 feet wide, 110 feet long, clear of the gates; lift, four feet; walls of the Lock 26 feet above the lower sill. The Canal 33 feet wide at the bottom; slopes equal to one-fourth of the height; length, including the Lock, 700 feet; to carry five feet of water.

EXCAVATION :		£.	s.	d.
For Lock-pit - 13,602 } 28,299 cubic yards, at 3s. 6d.	- - -	4,952	6	6
For Canal - 14,697 }				
MASONRY :		£.	s.	d.
15,575 Feet of ashler, at 3s. - - - - -	2,336	5	-	
1,207 Bushels of lime, at 9d. - - - - -	45	5	3	
24,174 ditto of sand, at 4d. - - - - -	402	18	-	
80 Barrels of cement - - - - -	120	-	-	
Collecting and piling 1,231 toises of rough stone for backing, at 2s. 6d. - - - - -	153	17	6	
Building, including labour - - - - -	1,409	13	-	
Allow for coping, hollow coins, sills, & - - - - -	1,200	-	-	
£.	5,667	18	9	
Carried forward - - - £.	10,620	5	3	

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						Brought forward - - -	£.	s.	d.
							10,620	5	3
CARPENTRY :									
Timber, sawing and carpentry for the Lock-gates -	-	-	-	-	-	492 17 6			
Paint, pitch, tar, oakum, grease, &c. and baulking	-	-	-	-	-	88 - -			
						£.	580 17 6	580 17 6	
IRON and SMITHS' WORK :									
Collars Ls Ts, bolts, &c. as per former Estimate -	-	-	-	-	-	255 - -			
Extra 800 lbs. of iron for bolting the sills, at 1s. 6d. }	-	-	-	-	-	20 - -			
per pound - - - - -	-	-	-	-	-				
						£.	275 - -	275 - -	
MACHINERY, CAST-IRON WORK, &c.									
4 Racks and pinions - - - - -	-	-	-	-	-	75 - -			
4 Cast-iron clamps - - - - -	-	-	-	-	-	14 13 -			
4 Gudgeon slips and crasses - - - - -	-	-	-	-	-	19 4 -			
32 Brasses on heel posts - - - - -	-	-	-	-	-	9 2 -			
4 Rack-bams and capstans - - - - -	-	-	-	-	-	50 - -			
4 Cast-iron rollers and ways - - - - -	-	-	-	-	-	20 - -			
						£.	187 19 -	187 19 -	
Building a Lock-house - - - - -	-	-	-	-	-		173 - -		
Coffer-dams and pumping - - - - -	-	-	-	-	-		300 - -		
Fencing - - - - -	-	-	-	-	-		6 - -		
							12,143 1 9		
Add 10 per cent. for Contingencies - - - - -							1,214 6 2		
TOTAL, Currency - - - £.							13,357 7 11		
Equal to, in sterling - - - £. 11,576. 8. 2 ½.									
						(signed)	Henry Du Vernet.		

Chûte à Blondeau.

Memorandum.—The excavation at this place is entirely in rock, and the average depth upwards of twenty-two feet; but from the circumstances of its appearing to lie in horizontal strata with joints, I conceive the blocks may be removed without much blasting, which has induced me to estimate for it lower than usual for rock to twelve feet depth, being generally from 4s. to 4s. 9d. per cubic yard.

There is to be seen in the bank beds of a hard and brittle description of limestone, which has been tried, and is considered unfit for other purposes than backing, upon which I have calculated. At present I have no knowledge of any good quarry in the immediate neighbourhood, but do not reckon upon any particular difficulty rendering the expense of stone higher than that employed in the lower locks at Grenville.

From the numerous fissures in the rock, and nearness of the river, I am apprehensive it will be impossible to excavate below the level of the water in the spring, which may occasion some delay.

(signed) Henry Du Vernet.

Montreal, Jan. 29, 1829.

No. 63.—ESTIMATE of the probable Expense of making a CANAL at the Carillon Rapids for Steam-boat Navigation.

Correspondence relative to the Canal Communication in Canada.

THE Locks 33 feet wide, 110 feet clear of the opening of the gates. The length of the Canal 2 miles, 228 yards; width of the Canal at the bottom equal to the width of the Locks, with a slope of 45° for the banks, and two passing places or lay-bys.

A Regulating Lock, walls twenty-one feet in height; and a Lock at the end, of a ten-feet lift, same height of walls.

EXCAVATION :		£.	s.	d.	£.	s.	d.
Rocks and earth to be excavated from the entrance to the situation of the proposed Regulating Lock, distance 1,000 yards, 98,000 cubic yards, at 2s. 6d.	}	12,250	-	-	32,687	8	-
Remaining distance 2,748 yards, 217,916 cubic yards, at 3s.	}						
A passing-place 200 feet long, 80 feet surface of water, at 1,100 yards from the regulating Lock, 3,288 cubic yards, at 3s.	}	493	4	-			
A similar passing-place at the swamp, in the lowest ground, 1,928 cubic yards, at 1s. 6d.	}	144	12	-			
Lowering the Towing-path at the Rocky Bridge, to bring it to 12 feet above the bottom of the Canal, average depth 9 feet 6 wide, 1,380 length, 2,760 cubic yards, at 3s.	}	414	-	-			
Extra excavation for pit of the regulating Lock, 1,793 cubic yards, at 3s.	}	268	19	-			
Extra excavation for Lock at the lower entrance, 4,818 yards, at 3s.	}	722	14	-			
Total for Excavation - - -		46,980	17	-	46,980	17	-
MASONRY for the REGULATING LOCK :							
14,087 feet of ashler - - - - - at 3s.		2,113	1	-			
11,043 bushels of lime - - - - - at 9d.		414	2	3			
22,086 ditto of sand - - - - - at 4d.		368	2	-			
74 barrels of cement - - - - - at 30s.		111	-	-			
1,017 toises of backing stone, collecting and piling, at 5s.		254	5	-			
Building, including labour - - - - -		1,288	5	-			
Allow for coping, hollow quoins - - - - -		1,000	-	-			
	£.	5,548	15	3	5,548	15	3
CARPENTRY :							
Timber, sawing and carpentry for the Regulating Lock-gates - - - - -	}	319	16	6			
Paint, pitch, tar, oakum, grease and caulking - - -	}	82	9	5			
	£.	402	5	11	402	5	11
Iron and Smiths' work - - - - -		265	-	-	265	-	-
Machinery for Sluices - - - - -		167	19	-	167	19	-
For the LOWER LOCK :							
Masonry, as above - - - - -		5,548	13	3			
Carpentry, &c. - - - - -		381	7	9			
Smiths' Work - - - - -		221	13	4			
Machinery for Sluices - - - - -		167	19	-			
	£.	6,319	15	4	6,319	15	4
2 Lock-houses, at £. 173 each - - - - -		-	-	-	346	-	-
Dams, &c. - - - - -		-	-	-	300	-	-
New Road as proposed, 2 ½ miles - - - - -		-	-	-	500	-	-
Fencing 2 miles 228 yards, at 2s. per pannel of 14 feet		-	-	-	80	6	3
					60,910	18	9
Add 10 per cent. for Contingencies - - - - -		-	-	-	6,091	1	10 ½
TOTAL, Currency - - - - -		-	-	-	£.	67,002	- 7 ½
Equal to in Sterling - - - - -		-	-	-	£.	58,068.	8 6 ¼

(signed) Henry Du Vernet.

Correspondence
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Carillon Rapids :

Memorandum:—IN estimating the expense of the Excavation, I have been guided by the general appearance of the ground, not from any trials ; and I conceive at least two-thirds will prove to be in rock at the ridge ; at the lower end it is so to the surface ; and the average height for 460 yards is upwards of 21 feet. From where the Regulating Lock is proposed to be placed downwards, for 1,500 yards it is a thick swampy wood, and in its present state it is difficult to form an opinion of the depth of earth.

In the bank near the first Lock, there is lime-stone, which appears to be fit for building ; I have also observed similar stone in the ridge, at the lower end, and have calculated upon the excavation supplying the rough stone for backing for the Locks.

(signed) *Henry Du Vernet.*

No. 64.—LETTER from the Earl of *Dalhousie* to the Right Hon. *W. Huskisson*, &c. &c. &c.

SIR,

Quebec, 30th January 1828.

IN submitting to you the subject of the Papers which I have now the honour to enclose, I must refer you to a former correspondence with Earl Bathurst and Mr. Horton, relative to the Grenville Canal on the Ottawa, with which the present project is materially connected, as that work would be incomplete ; indeed not materially useful, unless two other rapids, lower down the river, are overcome by two smaller works or canals. The Grenville Canal is now nearly completed ; and it becomes necessary that I submit to your consideration the accompanying Plans for the further progress on the next part of it, the Chûte à Blondeau.

The whole of this important public work has been carried on from the beginning under the officers of the Royal Staff Corps, and the science they have shown does them all great honour. The expense has been authorized from time to time by His Majesty's Government through Earl Bathurst. I have now, therefore, only to submit the Plan and Reports prepared by the officer of the Staff Corps conducting the work, and to recommend, in the most earnest manner, that instructions be given to me to proceed in this second branch of the Grenville Canal.

I have, &c.

(signed) *Dalhousie.*

No. 65.—LETTER from Major *Du Vernet* to Major-General *Darling*, &c. &c. &c.

SIR,

Montreal, December 26, 1827.

CONCERNING the Chûte à Blondeau and Carrillon Rapids to be included in the improvements to be made of the navigation of the Ottawa River, I have several times, in the course of the last summer, been at the first-mentioned place, with a view to ascertain what is necessary to be done there ; and having had a Plan and Levels taken of the ground, and observed the rise and fall of the water, it appears to me that the navigation may be improved in the two ways pointed out in the Plan which I have the honour to transmit to you for the information of his Lordship the Commander of the Forces. An objection to the dam is, that it will obstruct the ice : in point of expense, they will be about equal.

In the year 1823 I made a Report on the Carillon Rapids, which, together with a sketch, has been laid before his Lordship ; further observation might give rise to some small alteration in the projected line of Canal, the water having fallen lower than I was at that time aware of. If any thing is to be done at these places, as almost the entire of the excavation will be in solid rock, it may be desirable to commence as early as possible.

I have, &c.

(signed) *Henry Du Vernet.*

Chûte à Blondeau.

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relative to the
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cation in Canada.

THE obstruction to the navigation of the Ottawa is here caused by a bar of rock crossing the stream, to which it presents a nearly perpendicular face, in a diagonal direction (nearly east and west), the water falling as over a rolling dam. The banks of the river in its neighbourhood are every where formed of solid rock. The most favourable situation for the construction of a Canal being on the north-west shore, where the upper part of a strait, formed by a small island lying on, and nearly at the eastern extremity of, the bar, affords a deep and secure channel immediately above the rapid, and where the bank is little more than of a sufficient height to protect the works from the effects of the spring-floods. This is the situation shown in the accompanying Plan, where two descriptions of works suggest themselves as eligible; one, a direct cut, taking the line D. E., a section on which is given with the Plan, as the middle of the excavation, with a lock, near the lower end, as shown by the red dotted lines on the Plan; the other, a lock in the same situation, communicating at the upper end with the river, at the nearest point the space necessary for the navigation would admit of, disposing of the materials furnished by the excavation (which are very suitable for the purpose) in forming a dam across the channel, by which the water would be kept up to the same height as at D., and the safety of the navigation greatly increased by the rapid in the channel being entirely done away with.

The space between F. and G. marks the head of the excavation, and the lines G. H. I. K. the base of the proposed dam, according to this second project.

The entire excavation will in either case be through a hard clay-stone rock, lying in large oblong blocks, in beds of various thicknesses (from two feet to ten inches), the strata nearly horizontal, with joints diagonal to line of cutting D. E. Those parts of it that have been tried by the stonecutters have been found, from hardness and brittleness, to be unfit for other purposes in building than backing a rubble-work; this circumstance will tend materially to increase the expense of construction of a lock, if built in the same manner as those of the Grenville line, no better description of stone being to be met with nearer than the quarry to Hawkesbury. From the shortness of its extent, it will not be required that the cut should be made wider than the lock-gates: no tow path will be necessary, nor, from the nature of the banks, will a greater slope be advisable or requisite than that which will be unavoidable in their formation.

Agreeable to these premises, allowing one foot six inches for the fall of the surface in dry seasons below the point it stood at when the levels, soundings, &c. were taken, four feet below that surface for the navigation, one-fourth of the depth for the unavoidable slope of the banks, and for a lock-pit 165 feet by 40, with a rise of four feet, the quantity of excavation required for the longer cut on D. E. will be about 16,230 cubic yards.

For the cutting, entering at F. G., deepening the channel in front of the entrance, &c. 12,850 cubic yards

To form a dam seventy feet in width, at the base fifteen feet high, with a ten-foot causeway along the top, 250 feet in length, will require a quantity of 5,500 yards of material.

In consequence of the great rise of water during the spring-floods, it will be necessary to raise the walls of the lock to a height of twenty-four feet above the lower sill; the rise of water below the fall corresponding with that above, no pressure of water greater than that occasioned by the fall of four feet, need be provided against. This equally applies to the lock-gates and the dam across the channel.

(signed) *Henry Du Vernet.*

No. 66.—LETTER from Major *Du Vernet* to Major General *Darling*,
&c. &c. &c.

SIR,

Montreal, January 10, 1828.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, and, in reply, have to acquaint you, that my reason for not giving an Estimate, with a Report, on the *Chûte à Blondeau*, was, that so much depends on where the stone for the lock is procured, and how the rock to be excavated turns out, that I was fearful of not being within moderate bounds in stating the probable expense.

The Regulating Lock at Grenville is nearly of the same size; but what it has cost I cannot say, without going to Grenville, and examining the pay-lists and other expenses,

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expenses, and even then I do not think I could find out exactly its cost. Captain Read, who had the immediate superintendence of its building, is of opinion, as well as myself, that it cannot be reckoned at less than £. 4,000.

There is no stone, that I have been able to discover, that will answer for the coins, sills; &c. except that at Mr. Mears' quarry, although I have searched during the last autumn in all directions; and the stone at the Chûte à Blondeau is pronounced by the stone-masons too hard to cut for ashler, all of which must therefore be brought from where I am now procuring it for the lower Locks of the Grenville Canal; and the expense of the transport will be very heavy, but in some degree compensated for by the backing being got immediately on the spot. In the spring, the distance to the Hawkesbury quarry is between nine and ten miles, and the sand must be brought about fourteen miles. So much depends on circumstances, that similar works may cost double in one situation what they would in another. If nicety is not required, and I may be allowed to state the expense of the Lock at £. 4,000, the excavation for the line D. E. 16,230 cubic yards of rock, at 5s. per yard, £. 4,057. 10., the Estimate will be £. 8,057. 10.

For the second project, the Lock is the same, and the least excavation 12,850 cubic yards, costing £. 3,212. 10., the difference, £. 845, reckoning upon the rock supplied from the excavation, I conceive will be barely adequate to the expense of the dam. It is therefore my opinion that the line D. E. is preferable, as being less liable to accidents, and perhaps will prove to be the least expensive.

If this statement should not be satisfactory, on receiving your answer I will return to Grenville, and collect what further information I may be able with respect to the expense of the Lock.

The rate at which I have estimated for the excavation, may appear high, when compared with the other works of this description; but, taking into consideration the depth of the cutting, and the nature of the rock in which it is to be entirely carried, I do not consider the price I have stated as being more than it will cost in execution.

If any thing is to be done at the Carillon Rapids, I should like to be allowed to clear the projected line, as it is difficult to form any opinion of the ground whilst covered with trees. The expense will be about £. 50, according to my former Estimate, but might not cost so much at present.

I can undertake to carry on both works at the same time; the Grenville Canal being reduced to little more than building the Locks, and the Chûte à Blondeau, from its limits, not requiring many persons to superintend it.

I have, &c.
(signed) Henry Du Vernet.

No. 67.—STATEMENT of EXPENSES incurred in *Canada* on account of the *Grenville Canal*, from 25th May 1819 to 24th December 1828: extracted from the Record of the Offices of Accounts at *Quebec*, and Ordnance at *Montreal*.

	£.	s.	d.	£.	s.	d.
	Currency.			Sterling.		
LABOUR by civilians who receive free rations - - -	54,160	16	9½			
Purchase of Land, Stores and Materials - - -	9,120	6	5			
Transport from La Chine to Grenville * - - -	3,528	11	8½			
Pay and Allowances of the Royal Staff Corps, for six months in each year - - - - -	22,458	12	3			
Ditto - ditto - for the Commissariat Establishment at Grenville - - - - -	3,632	9	8			
Ditto - ditto - of the Storekeepers and Clerks at Grenville - - - - -	1,034	16	8½			
Expense of rations, after deducting the usual stoppage from the Troops - - - - -	32,307	13	10½			
	£.	126,243	7 4½	109,410	18	5
Amount of Stores supplied by the Ordnance Department	-	-	-	4,510	14	1

Amounting, in sterling, to £. 113,921. 12. 6.

Quebec, 12th February 1829.

All Stores for Upper Canada and the Ottawa River are forwarded from Montreal to La Chine; but as the accounts for transport do not express the proportion intended for the latter, the amount of transport only includes the expenses incurred for conveyance from La Chine to Grenville.

No. 68.—DESPATCH from Secretary Sir *George Murray* to Lieut.-General Sir *James Kempt*, &c. &c. &c.

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SIR,

Downing-street, 4th April 1829.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th of February last, enclosing an Estimate for the completion of the Grenville Canal, and Plans and Estimates of the Canals proposed to overcome the obstructions to the navigation to the Ottawa at the Chûte à Blondeau and Carillon Rapids. I entirely approve of Major Du Vernet's suggestion, that those two Canals should be of somewhat diminished breadth, though of a sufficient width throughout to admit of the passage of a steam-boat of the largest class frequenting this navigation, with two "lay-by or passing places" for these boats.

My despatch of the 5th January last will have informed you of the amount to be appropriated in the present year in carrying on the Canals in Canada; and provided Major Du Vernet confines his expenditure on the Grenville Canal and the Chûte à Blondeau and Carillon Rapids to the sum granted by Parliament for this service, viz. £. 32,213. 6. 8., I am not aware of any objection to the execution of a proportion of the work by contract.

I have, &c.
(signed) *G. Murray.*

No. 69.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

SIR,

Downing-street, 12th June 1829.

I AM directed by Secretary Sir *George Murray* to transmit to you, for the information of the Master General and Board of Ordnance, a copy of a despatch which has been received from Lieut.-General Sir *James Kempt*, enclosing a letter which had been addressed to him by Lieut.-Colonel *By*, reporting the rupture of the dam on the Rideau Canal.

No. 70.
13 April.

I am, &c.
(signed) *R. W. Hay.*

No. 70.—DESPATCH from Lieut.-General Sir *James Kempt* to the Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Quebec, 13th April 1829.

IT is with regret that I transmit to you the enclosed copies of a communication which I have just received from Lieut.-Colonel *By*, of the Royal Engineers, reporting that the dam at the Hog's Back, upon the Rideau, gave way on the 3d instant.

I am in possession of no other information upon the subject than Lieut.-Colonel *By*'s report affords; but I have directed the matter to be particularly investigated, and will not fail to communicate the result to you.

No. 72.

I have the honour to be, Sir,
Your most obedient humble servant,
(signed) *James Kempt.*

No. 71.—LETTER from Lieut.-Colonel *By* to Lieut.-General Sir *James Kempt*, &c. &c. &c.

SIR,

Royal Engineer's Office, Rideau Canal,
4th April 1829.

IT is with the deepest regret I have to report for the information of your Excellency, that the dam at the Hog's Back failed on the morning of the 3d instant, and have the honour of enclosing a copy of my letter to General Mann on the subject, to which I beg to refer your Excellency for every information in my power to give relative to this unexpected and unfortunate occurrence.

I have the honour to be, &c.
(signed) *John By*,
Lt Col^l R^l Eng^{rs} Com^d, Rideau Canal.

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No. 72.—LETTER from Lieut.-Colonel *By* to General *Mann*,
&c. &c. &c.

Royal Engineer's Office, Rideau Canal,
4th April 1829.

SIR,

I HAVE the honour to report, for the information of his Lordship the Master General and Right honourable and Honourable Board, that on Friday morning, 3d instant, the dam at the Hog's Back gave way, and in a few minutes about one-third of it was destroyed; fortunately no lives were lost, nor any damage done to the surrounding country.

This dam was nearly completed, and the water raised within four feet of the required height, which proves the practicability of the plan, and the correctness of our levels, as the water levels perfectly agreed with those taken by the instrument.

The way I account for the accident is this: the contractor having given up the work in November last, it became indispensably necessary to make every exertion to complete the dam before the spring floods commenced, it being the only chance of saving that part of the work which the contractor had performed; I therefore moved up to this work at the Hog's Back, such of the two companies of the Royal Sappers and Miners as could be spared, leaving a sufficient number to furnish guards for the magazines and military chest, and ordered that two officers should constantly be on duty at this work; from that period, Captain Victor, Royal Engineers, who had charge of the work, has scarcely been a day absent, and great praise is due to him and to the other officers, for their unremitting attention during the whole of this severe winter; and I have the satisfaction to state, that every exertion was made to accomplish the desired object of finishing the dam, but the severe frosts formed the earth above water into a solid mass, and when the spring floods came, the pressure of the water separated that which was not frozen from the congealed mass above, and caused a great leakage on the 28th March, which continued to increase, notwithstanding every exertion was made to stop it, until ten o'clock on the 3d of April, when the arch key work, 26 feet thick at the base, gave way about 15 feet above the foundation, and near the centre of the dam, with a noise resembling thunder. I was standing on it with forty men, employed in attempting to stop the leak, when I felt a motion like an earthquake, and instantly ordered the men to run, the stones falling from under my feet as I moved off.

The loss of work and materials, tools, &c. I estimate at between three and four thousand pounds.

Notwithstanding the present failure of this work, I beg leave to assure his Lordship the Master General and Right honourable and Honourable Board, that I do not entertain the least doubt of being able to establish the dam, but that to prevent a recurrence of a similar event to that which has just taken place, it appears evident that the whole of this work must be carried to its required height in one summer; but as the prevailing sickness renders all operations uncertain, before I commence re-constructing the dam, I propose again exploring the wilderness to the right and left, and taking fresh sections, with the hope of finding some way by which this bold undertaking may be avoided, although from the many examinations I have already given the country, I fear there is but little hope of finding a better route for the Canal at this place, in which case I shall commence re-constructing the dam the moment the spring floods have passed, and you may rely on my using every possible exertion to complete the work before the frost sets in.

I have the honour to be, &c.

(signed) *John By,*

Lieut' Col' R^d Engineers Com^d, Rideau Canal.

No. 73.—LETTER from *R. W. Hay*, Esq. to *R. Byham*, Esq.
&c. &c. &c.

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SIR,

Downing-street, 20 July 1829.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a Despatch from Lieut.-General Sir James Kempt, inclosing a detailed Report from Lieut.-Colonel By, relative to the failure of the dam at Hog's Back, and also a Report from Lieutenant Pooley of the Royal Engineers, upon the precarious state of the dam at Smith's Falls, and I am to request that you will lay the same before the Master General and Board of Ordnance for their information.

I am, &c.

R. W. Hay.

No. 74.
30 April 1829.
No. 76.

No. 74.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Quebec, 30 April 1829.

WITH reference to my letter (No. 3.) of the 13th ultimo, upon the accident to the dam at Hog's Back upon the Rideau Canal, I have now the honour to transmit to you a detailed Report (No. 1.) upon that subject, which I have just received from Lieut.-Colonel By of the Royal Engineers, to whom the superintendence of that work is entrusted.

No. 70.

No. 75.

It is with great regret that I find it at the same time my duty to transmit a Copy of a Report from Lieutenant Pooley of the Royal Engineers, upon the precarious state of the dam at Smith's Falls.

No. 76.

I have directed Colonel Durnford, the Commanding Royal Engineer in Canada, to proceed without loss of time to the Rideau Canal, with a view to consult with Lieut.-Colonel By upon the most eligible mode of proceeding with that work during the approaching summer; but I have more especially directed his attention to the necessity of ascertaining the most effectual means of averting the recurrence of accidents of so serious a nature in future.

You are doubtless aware also that the Welland Canal has given way at the "Deep Cut," and I fear the damage sustained will greatly increase the original estimate for the completion of that work, and create greater difficulty in carrying on the undertaking than was apprehended.

I have, &c.

(signed) *James Kempt.*

No. 75.—REPORT on the Failure of the Dam at *Hog's Back* on the *Rideau* Canal.
Lieut.-Colonel *By* to Lieut.-Colonel *Couper*.

Royal Engineer Office, Rideau Canal,
23 April 1829.

SIR,

I HAVE the honour of acknowledging your letter of the 18th inst. just received, requiring further particulars relative to the failure of the dam at Hog's Back.

In answer to which I beg to state, for the information of his Excellency Sir James Kempt, that the failure of the dam is to be accounted for as follows: the Rideau River has been raised about 22 feet by the contractor, when he gave up the work in November last, and it was evident, that unless the water could be rendered passive, by its being raised above the Three Island Rapids, the rapidity of the current would carry all away in the spring, to prevent which I caused every exertion to be made, and the desired object was obtained, for we raised the water 41 or 42 feet perpendicular, and the Three Island Rapids were destroyed; our surface water extending on an uninterrupted level to the Black Rapids, the water, as also the ice, became passive; I constructed three booms at different parts of the river to hold back the said ice until it sunk or was dissolved, and I flattered myself our labours were completed, when unfortunately an extensive leak made its appearance and rapidly increased,
notwithstanding

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PLAN, No. 4.

notwithstanding every exertion was made to stop it. It appears that the earth became one frozen mass from the surface water level of November last to the top of the dam, which is 43 feet above the said level, the dam being upwards of 60 feet high at the time of the accident; 45 feet is the required height, but I added 15 or 17 feet to the height, to give it greater strength, and made the base 200 feet thick.

You will perceive by the accompanying Section, that this whole mass of earth about the surface water level was 22 feet in November last, became one frozen mass, resting on the rocks on each side of the river, 180 feet apart; and such was the strength of this frozen mass of earth, that it remained perfect for some time after the torrent had swept all from under it, until the spray, rising with great force, striking the under part, gradually thawed it, and caused it to fall in large flakes, until it became so thin that its own weight broke it. The force of the water was such, that stones of two or three tons weight were tossed about as if they had been blocks of wood, and the frozen earth was carried over the Rideau Falls, a distance of between five and six miles; but as the frozen earth rested on the side rocks, and did not settle with the earth below, which was considerably compressed by the pressure of the water when raised to its height, the water found a passage between the frozen earth and that which was not frozen; but as the puddle behind the arch key work prevented the water from passing through the key work, this passage was not discovered until a sudden rise of the river on the 28th March, when the pressure became more than the unprotected puddle could resist, and it was washed through the arch key work from the height of 15 feet to the bottom; but this did not in the least affect the arch key work, therefore I believed it possible to save the dam, and made every exertion, notwithstanding which the leak increased until about ten o'clock in the morning of the 3d inst. when the water forced its way through the upper part of the puddle at the back of the arch key-work, and began to flow over the top without carrying off any of the coping stones. I then conceived that as the water had found a free passage all was safe; and said to Mr. Sargeant, the barrack-master, who stood on the arch key work near me, "You see what perseverance will do, the dam is saved." At which moment I felt it tremble, and instantly ordered the men to run. I stood and looked at it for a few seconds, when the stones fell from under my feet as I ran off. It appeared to give way in the centre of the dam, about 17 feet from the base, and in the strongest part. The cause of the failure being thus evident, there is no doubt of its ultimate success; but as the period for working at it is only from July to the end of November, great exertions are requisite, during the whole period, to insure its completion. I therefore propose forming it with timber, filled with rough stone, this season, and leaving the arch key work to be carried up at any future period; feeling convinced that if the work is well conducted during the summer, it must succeed, I therefore hope his Excellency will allow me a detachment of thirty men of the line, to furnish the necessary guards, as the guard duty prevents the non-commissioned officers of the Sappers being of so much use to me as they otherwise would be, and there are no persons I can hire, who are of equal value to them, and much depends upon every part of the dam being well executed.

I have, &c.

(signed) *John By,*
L' Col. R^l Engineers Com^d, Rideau Canal.

No. 76.—REPORT on the precarious state of the Dam at *Smith's Falls*.
Lieutenant *Pooley* to Lieutenant-Colonel *By*.

Royal Engineer Office, Edmund's Rapids,
23d April 1829.

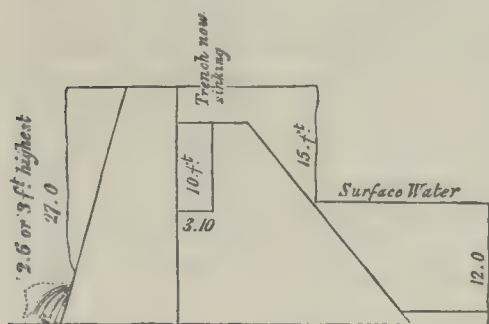
SIR,

I THINK it my duty to report to you, by a messenger express, the dangerous state in which I fear the dam at Smith's Falls is at present. About five o'clock, P. M. of the 20th instant, a leakage was first observed through the arch key work, issuing from it about the top of the lower course, two feet six inches or three feet from the bottom, and extending from west abutment across, to about centre of course, coming through muddy, evidently washing away the puddle. Upon this alarm, a body of about thirty men set to work, excavating behind the key work, in order, by sinking a trench, to discover where the run of water proceeds from, and then to choke and repuddle it; the clay being hard frozen about six or seven feet deep, little progress was made; the working parties were regularly relieved all night, but the
thunder

thunder storm and heavy rains precluded the possibility of doing much work. By three o'clock in the morning the rush of water through the key work had considerably increased since first discovered, and by day-light, when I visited it, the leak extended along the lower course from west abutment, two-thirds across the dam, the greatest quantity issuing from about the centre, muddy with the puddle; level of water above dam not perceptibly lowered. Mr. Rykert being absent at Brockville, I directed his foreman to persevere sinking behind the key work, over the principal rush of water, and to collect at hand a quantity of fresh puddle, brushwood, sheeting poles, horse dung, &c. to choke it as expeditiously as possible on discovering the run of it; other parties were at work wheeling in clay in front of the dam, opposite the leaks, but with no effect; they continued to work yesterday, and last night. To day Mr. Rykert having returned, I found him pursuing the same plan, but there is so little energy manifested by his workmen or foremen, who do not appear to be competent to conduct a work of this nature, and so indifferently supplied with tools, that I cannot refrain from expressing my apprehension as to the result. The excavating party had not got down below frost, although about seven feet deep, and had been blasting all the morning. The rush of water had not however much increased, although this evening I thought it was rather gaining ground. Mr. Rykert is of opinion, that the water issues from the fissures of the rock forming west abutments of dam, and from thence follow the line of puddles until it escapes through a key work, or insinuates itself between the artificial work and natural bank, and circumstances seem rather to favour such an opinion; and a considerable stream certainly rushes from the rock or natural bank of river just below this abutment, through the numerous fissures to be seen on surface of the rock in river just above Rykert's store. A small clay dam having been run across the little bight from corner of Rykert's store to dam the water inside, it all escaped through the fissures and left it perfectly dry, but made no perceptible difference in the run of water, either through the rocky bank below the dam or the key work.

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SECTION.



This Section will explain where the water is making its escape through the key work about nine feet at least below the level of surface water above the dam, and as no alteration has yet taken place in its position, or no additional leaks burst out above the points there represented, I am inclined to think it will be found to get through the puddle at abutment, in which case, I request your instructions as to the means you wish to be adopted, permanently to protect the

line of puddle at that point; for any attempt to choke the numberless fissures in the rock would, in my humble opinion, be attended with no hope of success.

I have the honour to inform you, that the dam at Old Sly's seems perfectly secure, no water gets through it at any part. The (A.) key work across the gap at east abutment, which was the original waste channel, has been carried up to the same height as the rest, and the water completely stopped by the puddling behind it. The old coping has been replaced by another substantial course the whole length of the dam, and is now leveling off with a coping at that height. I have given directions to Mr. Richardson to continue raising the clay parts, and he has been extremely since the alarm at Smith's Falls, making every preparation and using every precaution to resist any sudden rush of water that would come down in the event of a breach being made through the dam at Smith's Falls; and I see no reason to apprehend any danger at Old Sly's. The waste weir carries off the surplus water of the floods. The rise of the river since 13th instant by $5\frac{7}{8}$ inches having gradually risen by inches only.

Anxious to receive your instructions,

I have, &c.

(signed) H. Pooley, L^t R^l Eng^r.

P.S. 23d April 1829.—Having visited the work at Smith's Falls early this morning, I found it much in the same state as yesterday, the water through the key work not abated, coming through occasionally coloured by the earth and thrown in above the dam; level of water above dam has varying scarcely any in height since 21st instant. Trench behind key work sunk about ten feet. I lose no time in dispatching this communication to you.

(signed) H. Pooley, L^t R^l Eng^r.

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cation in Canada.

No. 77.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 28th July 1829.

No. 78.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a letter from the Secretary to the Board of Ordnance, stating that it will be necessary to increase the vote for the Rideau Canal to the sum of £. 140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which the Master General and Board of Ordnance are induced to recommend, both as a measure of importance and very considerable economy; and I am to request that you will submit the same to the Lords Commissioners of the Treasury, for their Lordships' consideration and decision.

I am, &c.
(signed) *R. W. Hay*.

No. 78—LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR,

Office of Ordnance, 8th July 1829.

ADVERTING to your letter dated 12th ultimo, transmitting the copy of a despatch from Lieutenant-General Sir James Kempt, enclosing an abridged Report of the proceedings of Lieutenant-Colonel By on the Rideau Canal to the 1st March last, and statement of the expense which has been incurred upon it to that period;—

I am commanded to acquaint the Master-General and Board of Ordnance have perused these papers, and they request the attention of Secretary Sir George Murray to the opinion expressed by Lieutenant-Colonel By in his letter of the 20th November last, "that the Canal may be completed on the 12th August 1831, "if he be allowed £. 137,200. in each of the years 1829, 1830, 1831;" on this his Lordship and the Board beg to observe, that for the year 1829, £. 130,666. only has been allowed, and that it will therefore require in round numbers £. 140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which, as a measure of very considerable economy as well as of great consequence, the Master General and Board of Ordnance would recommend should be accomplished, by the allotment of the required sum of £. 140,000. in each of the two next years.

I have, &c.

R. Byham.

No. 79.—Copy of TREASURY MINUTE, dated 4 August 1829.

READ a letter from Mr. Hay, dated 28 July 1829, transmitting, by desire of Secretary Sir George Murray, the copy of a letter from the Secretary to the Board of Ordnance, of the 8th ultimo, stating that it will be necessary to increase the vote for the Rideau Canal to £. 140,000. for each of the years 1830 and 1831, if the work is to be completed in 1831, which the Master General and Board of Ordnance are induced to recommend, both as a measure of importance and very considerable economy.

Write to Mr. Byham that My Lords have had before them a copy of his letter of the 8th July last, addressed to Mr. Under Secretary Hay, recommending that a vote for £. 140,000. should be submitted to Parliament for each of the years 1830 and 1831, to complete the Rideau Canal; in which letter Mr. Byham refers to one of the 20th November 1828, from Lieutenant-Colonel By, desiring to be allowed £. 137,200. in each of the years 1829, 1830 and 1831, and My Lords request that Mr. Byham will move the Master General and Board of Ordnance to furnish them with a copy of Lieutenant-Colonel By's letter alluded to, and to favour them with any observations which may have occurred to them upon it, with reference to the Report of the Committee formed by General Sir James Kempt, Lieutenant-Colonel

Fanshawe

Fanshawe and Lieutenant-Colonel Lewis, of the 28th June 1828, in which they dissent from the estimate of Lieutenant-Colonel By, amounting to £.576,757. 14. 9., and report their opinion that £.558,000. would be amply sufficient to complete the Canal with all probable contingencies that may occur; and as £.166,000. had already been provided, there remained only £.392,000. to be granted by Parliament in the years 1829, 1830 and 1831, to make up the sum of £.558,000; and a grant of £.130,000. having been obtained in the last session, there now remains £.262,000. to be voted in 1830 and 1831, which is £.18,000. less than the sum proposed in Mr. Byham's letter to Mr. Hay, of the 8th July last.

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cation in Canada.

Write to Mr. Hay requesting he will move Secretary Sir George Murray to transmit to their Lordships a copy of the despatch of Lieutenant-General Sir James Kempt, inclosing an abridged Report of the proceedings of Lieutenant-Colonel By on the Rideau Canal, to the 1st March last, and a statement of the expense which had been incurred upon it up to that period, copies of which papers appear to have been transmitted by Mr. Hay to the Board of Ordnance, as My Lords deem it necessary to receive that information before they can judge of the propriety of applying to Parliament for a further grant of £.280,000, which exceeds by £.18,000. the estimate which was sanctioned on the 28th June 1828, by Lieutenant-General Sir James Kempt and the Committee of Engineers.

No. 80.—LETTER from *R. W. Hay, Esq.* to the Hon. *J. Stewart*,
&c. &c. &c

SIR,

Downing-street, 20th August 1829.

I HAVE laid before Secretary Sir George Murray your letter of the 11th inst, and in compliance with the request of the Lords Commissioners of the Treasury, I am directed to transmit to you the copy of a despatch from Lieutenant-General Sir James Kempt, inclosing an abridged Report of the proceedings of Lieutenant-Colonel By, on the Rideau Canal, to the 1st March last, and a statement of the expenses which had been incurred upon it up to that period.

I am, &c.

R. W. Hay.

No. 81.
1 April 1829.

No. 81.—DESPATCH from Lieutenant-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Quebec, April 1, 1829.

HAVING found the Report of progress upon the Rideau Canal, submitted at the close of each year by Lieutenant-Colonel By, the commanding Royal Engineer upon that station, a document of a very detailed and voluminous description, I requested that officer to prepare an abridgment of it, comprehending the information it affords in a more concise and condensed form.

A copy of this abridgment (No. 2.) I do myself the honour to enclose, by which you will perceive the actual state of that Canal on the 1st ultimo, and the expense incurred upon it to that period, amounting to £.186,370. 1. 8 $\frac{1}{2}$. sterling

No. 83.

£.186,370. 1. 8 $\frac{1}{2}$.
Sterling.

I also transmit an extract of a letter from Lieutenant-Colonel By, dated November 20th, 1828, (No. 3. page 17.) whereby he expresses his opinion that the Canal may be completed on the 12th of August 1831, if an annual expenditure upon the work of £.137,200. to that period were authorized.

No. 84.

£.137,200.

I have the honour to be, &c.

James Kempt.

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No. 82.—LETTER from Lieutenant-Colonel *By* to Colonel *Durnford*,
&c. &c. &c.

SIR,

Royal Engineer's Office,
Rideau Canal, 16th March 1829.

I HAVE the honour of enclosing a Report showing the quantity of work executed in each section of the Rideau Canal, and the sum of money expended on that service from its commencement in September 1826 up to the 1st of March 1829, as called for by his Excellency Sir James Kempt, by letter dated 3d instant, and I shall feel obliged by your laying the same before his Excellency. I have the satisfaction to report, that on Friday I raised the Rideau River at the Hog's Back to the height of forty-one feet perpendicular, which is within six feet of the height I expect the water will ever rise in time of floods. The arch key work was closed on Saturday; and the bridge of communication leading from the dam to the stone quarry finished. I have taken the precaution of constructing three booms at different parts of the river above the said dam at the Hog's Back, to prevent the waste weir being choked with drift timber, and I have ordered a guard to be placed at each boom to prevent the rafts men destroying them; and having made these arrangements, and the works appearing perfectly out of danger, I leave this for Jones' Falls to-morrow, to look after the dam at that place, which Lieutenant Briscoe reports he has had taken down, and recommended building agreeable to my orders.

I have the honour to be, &c. &c.

(signed) *John By*,
L' Co' R' Engineers Com^d, Rideau Canal.

No. 83.—ABRIDGED STATEMENT of the PROGRESS of the WORKS of the RIDEAU NAVIGATION, under the superintendence of Lieutenant-Colonel *By*, Royal Engineers, taken 1st March 1829.

SECTIONS.	PLACE or SERVICE.	NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED.	CASH disbursed on each Section, up to the 1st March 1829.
			£. s. d.
Section, No. 1.	Entrance Valley - -	-- Chopping, clearing and grubbing completed; excavations about four-fifths finished; masonry of the three upper locks nearly finished; inverted arch and foundation of side walls of lower lock laid; about three-eighths of the whole masonry is built, and nearly a sufficient quantity of cut and rough stone prepared for the ensuing season; the backing and puddling behind the walls of the three upper locks are raised as high as the masonry; the gates for the locks, with sluice gates, &c. are in progress, as well as the iron work for ditto, about one-fourth done; pointed sills for lower lock gates completed; sheeting piles driven in the three upper breast works and lower pointed sill.	
	The cut stone Bridge, at the head of Entrance Valley.	-- About four-fifths finished; the parapet walls not yet constructed; the approach at the eastern end nearly completed, say about three-fourths; a considerable quantity of rough stone prepared to be cut next season	
	Excavations from first eight locks to Dow's Great Swamp.	-- Rock excavation, near Stone Bridge, about three-fourths finished; earth in Beaver Meadow and Deep Cut about one-fourth completed; embankment, lower end of Natural Gulley, completed; grubbing on the foregoing completed; grubbing in the Natural Gulley about two-thirds finished; excavations from upper end of Natural Gulley to Dow's Great Swamp about one-fourth finished; grubbing about three-fourths done; clearing on the whole of the foregoing nearly completed.	
	Dow's Great Swamp	Large mound nearly completed, say 24-25ths; scite of smaller mound about half cleared.	

CANAL COMMUNICATION IN CANADA.

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No. 83.—Abridged Statement of the Progress of the Works of the Rideau Navigation—*continued.*

SECTIONS.	PLACE or SERVICE.	NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED.	CASH disbursed on each Section up to the 1st March 1829.		
			£.	s.	d.
Section, No. 1— <i>continued.</i>	From Dow's Swamp to the Hog's Back.	-- Excavation one-third done; grubbing two-thirds done; and a considerable quantity of the ashlar for the two locks south side of Dow's Swamp, has been drawn to the spot, as well as sand, &c. not yet measured; clearing the land nearly completed; mounds or embankments across the mouth of Bugle and Peter's Gulley formed, about seven-eighths, and latter one-third done.			
	Works at Hog's Back -	-- Dam three-fourths finished; water raised about thirty feet; a quantity of the ashlar and rough stone for the locks, sand, &c. drawn to the spot, not yet measured; excavation for the locks and upper entrance one-third done; clearing of land nearly completed.			
	From Hog's Back to Black Rapids.	Deepening shoals, &c. not yet commenced.			
	Works at the Black Rapids	-- Dam about three-fourths finished; clearing completed; excavation of lock pits completed; of lower and upper entrance about half done; masonry of the lock about three-fourths finished; lower pointed sill laid; ashlar and rough stone to complete the lock, drawn to the spot; lock-master's house nearly finished; backing and puddling of lock completed, nearly as high as the masonry of side walls about two-thirds finished.			
	Works at Long Island -	-- Dam about three-fourths finished; clearing and grubbing completed; excavations for lock and entrance about half finished; masonry of the upper lock about half finished; a quantity of cut and rough stone prepared on the spot; lock-master's house nearly completed; embankment west side of river nearly finished.			
	Works at Long Island Still Water.	Deepening shoals, &c. not commenced.			
		Sum expended on the First Section -	£.	81,713	- 9 $\frac{1}{2}$
Section, No. 2.	Burrett's Rapids - -	-- Chopping and clearing finished; grubbing about half done; excavations about three-fourths done; a quantity of rough stone raised for the dam, and cut and rough stones for lock quarried, some of which are drawn to the spot, not yet measured - - - - -		1,650	- -
Section, No. 3.	Nicholson's Rapids - -	Clearing and grubbing half done; a quantity of cut stone drawn to the spot, not measured - - - - -		1,450	- -
Section, No. 4.	Clowe's Quarry - -	-- Dam about one-third finished; excavation for lock completed; of lower entrance about three-fourths done; masonry of lock commenced, about one-fourth done; half the quantity of cut stone required is on the spot - -		6,444	11 8 $\frac{1}{2}$
Section, No. 5.	Merrick's Mills - -	-- Chopping and clearing finished; excavation of lock-pits, basin, and line of canal, about half done; masonry of middle lock about one-fourth done; three-fourths of the cut and rough stone, sand, &c. required, drawn to the spot; dam not commenced; wooden pointed sill framed, but not laid - - - - -		5,448	15 8 $\frac{1}{2}$
Section, No. 6.	Maitland's Rapids - -	-- Chopping, clearing, &c. finished; excavation for lock pit finished; for line of canal about half done; half of the cut and rough stone required, on the spot - -		3,330	- -
Section, No. 7.	Edmond's Rapids - -	Clearing about half finished. No cash yet drawn by the contractors on this work.			
Section, No. 8.	Phillips' Bay - -	Not commenced.			
Section, No. 9.	Old Sly's Rapids - -	-- Dam nearly finished; foundation of upper breast work laid; cut stone for the two locks drawn to the spot; clearing completed; excavations for locks finished; ditto through point of land below the locks about half done - - - - -		5,700	- -

No. 83.—Abridged Statement of the Progress of the Works of the Rideau Navigation—*continued.*

SECTIONS	P L A C E or S E R V I C E.	NATURE OF SERVICE and AVERAGE OF WORK PERFORMED.	CASH disbursed on each Section up to the 1st March 1829.		
			£.	s.	d.
Section, No. 10.	Smith's Falls - - -	-- Clearing, grubbing, &c. completed; dam about three-fourths finished; excavation for lock-pits only commenced; embankment at head of Horner's Snie half done; half of the quantity of cut stone drawn to the spot, and one-sixth of ditto in the quarries - - -	6,180	-	-
Section, No. 11.	First Rapids on the Rideau	-- Clearing nearly completed; grubbing one-tenth done; excavations one-twelfth; a small quantity of cut and rough stone for lock drawn to the spot, not measured, some in the quarries; dam not commenced - -	1,000	-	-
Section, No. 12.	Oliver's Ferry - -	Not commenced.			
Section, No. 13.	Upper Narrows Rideau Lake	Not commenced.			
Section, No. 14.	Isthmus Rideau Lake -	Chopping and clearing nearly finished; excavating about one-twelfth part done - - - - -	1,761	13	4
Section, No. 15.	Isthmus Indian Lake -	This work is about two-thirds done - - - - -	50	-	-
	Chaffey's Mills -	-- Chopping and clearing completed; excavation for waste weir half finished; nine-tenths of cut stone for the locks are drawn to the spot; excavations for the locks commenced - - - - -	3,291	11	5 $\frac{1}{2}$
Section, No. 16.	Davis' Rapids - -	-- Chopping and clearing completed; dam not commenced; cut and rough stone for lock two-thirds on the spot; about one-sixth in the quarry; excavation for lock and line of canal only commenced; coffer-dam made - - - - -	1,362	-	-
Section, No. 17.	Jones' Falls - - -	-- Chopping and clearing completed; excavations for locks two-thirds done; nearly all the cut stone for the locks drawn to the spot; wooden pointed sills commenced; iron work for ditto forwarded to the place; limestone and cord wood to burn lime provided; dam commenced; about one-twelfth finished; a large quantity of rough free-stone in blocks for arch key work of dam is provided on the spot, these, as well as the cut stone for locks, are brought a distance of five and a half miles; an excellent double railway is laid to lower the stones on the dam, which is progressing briskly - -	9,837	8	2 $\frac{1}{2}$
Section, No. 18.	Cranberry Lake - -	-- Clearing trees, &c. from the drowned land nearly completed; removing the temporary dams at Round Tail and White Fish Falls, and constructing a waste weir at the latter place, not yet commenced - - -	1,021	8	4 $\frac{1}{2}$
Section, No. 19.	Brewer's Upper Mills -	-- Cut and rough stones for locks in operation; about half the quantity required is provided; clearing and excavating between Upper and Lower Mills in progress, not yet measured - - - - -	1,641	3	10
Section, No. 20.	Brewer's Lower Mill -	A quantity of cut stone (about one-fourth of what will be required) is provided on the spot.			
Sections, No. 21 & 22.	Bellidore's and Jack's Riffs	-- The locks at these two sections are not required, as the lift will be obtained at Kingston Mills; but two-thirds of the clearing indispensably necessary, one-fifth of the grubbing, and about one-fourth of the excavations are performed - - - - -	3,136	5	6 $\frac{1}{2}$
Section, No. 23.	Kingston Mills - -	-- Clearing, &c. completed; excavations for locks about two-thirds done; dam three-fourths built; cut and rough stones for the locks, about three-fourths of the quantity required in the quarry; coffer-dam at the head of Kingston Bay commenced - - - - -	8,220	10	-
Civil and Military Establishment	- -	-- Extra pay and allowances of officers of Royal Engineers, Royal Sappers and Miners; pay and allowances of barrack-master and paymaster, pay of clerks and overseers of works, &c. including expense of erecting barracks, hospital, cook-houses, &c. - - - - -	20,471	4	5 $\frac{1}{2}$

CANAL COMMUNICATION IN CANADA.

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No. 83.—Abridged Statement of the Progress of the Works of the Rideau Navigation—continued.

		NATURE OF SERVICE, and AVERAGE OF WORK PERFORMED.	CASH disbursed on each Section, up to the 1st March 1829.
			£. s. d.
General Con- tingencies -	On Estimate - - -	- - Stone storehouses, temporary barracks, engineer yard, survey of canal route, bridge at Falls of Chaudière, roads of communication, &c. &c. &c. - - -	9,979 3 7
	Not on Estimate - - -	- - Tools, ropes, charcoal, lumber of sorts, &c. compen- sation for damages in sundry places, postage of letters, stationery, conveyance of stores and materials, carpen- ters and smiths' shops, scows, &c. &c. &c. - - -	14,151 17 2 ½
			£. 187,840 14 2
		Deduct Amount repaid for Tools, &c. supplied to Contractors - - - - -	1,470 12 5 ½
		Amount of Expenditure to 1st March 1829 - £.	186,370 1 8 ½

N. B.—The number of the Sections may be ascertained by a reference to the Plan of the Canal.

(signed) John By,
L^t Colonel Roy^l Eng^{rs} Com^{rs}, Rideau Canal.

No. 84.—LETTER from Lieut.-Colonel By to Lieut.-Colonel Couper,
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Royal Engineer Office, Rideau Canal,
20th November 1828.

SIR,

I HAVE the honour of transmitting, for the information of his Excellency Sir James Kempt, the Progress Report of Works and Expenditure on the Rideau Canal, from its commencement on the 21st September 1826 to the 1st of November 1828, at which date I had expended £.141,313. 15. 5 ¼.; and between the 1st and 20th instant, I have paid £. 12,003. 5. 11 ½. making my total disbursements, £. 153,317. 1. 5 ¼. which leaves a balance of only £.12,682. 18. 6 ¼, of which I suppose £.5,000. is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction of stating, that although my operations have been much retarded by the restricting of my expenditure, in the commencement of the present year, to £.41,000. until the Committee of the 29th of June authorized my expending £.105,000, and the sickness among my men and officers, which created a sad stagnation in the works, yet, taking these unexpected events into consideration, there has been an astonishing quantity of work performed, as fully detailed in the accompanying Report.

The line of bridges erected across the Ottawa at the Chaudière Falls is completed; and although the great Kettle Bridge was destroyed by the chains breaking on 2d of April last, it has been rebuilt, and that service completed at an excess of only £.372. 14. 4 ¼. on the original estimate. The traffic appearing very great, I have ordered a toll-house and gates to be erected, and the following Notice to be fixed at the gate, and conceive the tolls will produce at least £.100. currency per year; which will be paid, as collected, into the military chest, until I receive instructions on that subject—

“ These Bridges across the Chaudière Falls having been built at the expense
“ of His Majesty’s Ordnance, Orders are given, That no Persons whatever
“ shall be permitted to pass until they have paid one Penny; one Penny also
“ to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb and
“ pig; and Two-pence for every waggon, sleigh or carriage, until the pleasure
“ of His Majesty’s Ordnance is known.

(signed) “ John By, L^t Col^l R^l Eng^{rs}.”

Correspondence
relative to the
Canal Communi-
cation in Canada.

I have succeeded in making the mound across Dow's Great Swamp water-tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog's Back 27 feet perpendicular, and am now busily employed in carrying on that work, in thickening the base, and completing the arch key work across the river, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by this time next year to have the water raised to the required height of 45 feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £.137,215. 11. 10½. in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831, but I shall require the assistance of six officers of Royal Engineers in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have the honour to be, &c. &c.

(signed) *John By,*

L^t Col^l R^l Eng^s Com^d, Rideau Canal.

No. 85.—LETTER from Secretary to Ordnance Office to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 28th August 1829.

HAVING submitted to the Board of Ordnance your letter, dated 7th instant, stating that the Lords Commissioners of His Majesty's Treasury have had before them a copy of my letter of 8th July last, addressed to Mr. Under Secretary Hay, recommending that a vote for £.140,000. should be submitted to Parliament for each of the years 1830 and 1831, to complete the Rideau Canal, in which letter reference is made to one of the 20th November 1828, from Lieut.-Colonel By, desiring to be allowed £.137,200. in each of the years 1829, 1830 and 1831, and signifying the desire of the Lords Commissioners to be furnished with a copy of Lieut.-Colonel By's letter, together with any observations which may have occurred to the Master General and Board thereon, with reference to the Report of the Committee formed by General Sir James Kempt, Lieut.-Colonel Fanshawe, and Lieut.-Colonel Lewis, of 28th June 1828, in which they dissent from the estimate of Lieut.-Colonel By, amounting to £.576,757. 14. 9½. and report their opinion that £.558,000. would be amply sufficient to complete the Canal with all probable contingencies that may occur;—

I am commanded by the Board of Ordnance to transmit to you, as desired by the Lords of the Treasury, a copy of Lieut.-Colonel By's letter of 20th November 1828, and have to request you will inform their Lordships that the Lieutenant-Colonel does not appear to have been in possession of the reduced estimate for the Rideau Canal formed by the Committee, of which Sir James Kempt was President.

Before the amount proposed by the Committee, namely £.558,000, is finally assumed as sufficient, the Board are of opinion it will be advisable to furnish the Commanding Engineer in Canada with a copy of the Committee's Report, so far as relates to calculations, in order that he may report regarding the reduction of £.18,000. as proposed by the Committee; and the Board beg to suggest to the Lords of the Treasury, that in the meantime the sum of £.140,000. be the amount to be voted for 1830, leaving the remainder open for future consideration.

The Board, on receiving their Lordships' acquiescence, will make the proposed communication to the Commanding Royal Engineer in Canada.

I have the honour, &c.

(signed) *G. Butler,*
(for the Sec^y.)

No. 86.—LETTER from Lieut.-Colonel *By* to Lieut.-Colonel *Couper*,
&c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Royal Engineer Office, Rideau Canal,
20th Nov. 1828.

I HAVE the honour of transmitting, for the information of his Excellency Sir James Kempt, the Progress Report of Works and Expenditure on the Rideau Canal, from its commencement on the 21st September 1826 to the 1st November 1828, at which date I had expended £.141,313. 15. 5 $\frac{1}{4}$., and between the 1st and 20th instant, I have paid £.12,003. 5. 11 $\frac{1}{2}$., making my total disbursements £.153,317. 1. 5 $\frac{1}{4}$., which leaves a balance of only £.12,682. 18. 1 $\frac{1}{4}$. of which I suppose £.5,000. is due to the various contractors, as we never advance the full value on the cut stone until it is measured in the wall; and I have the satisfaction of stating, that although my operations have been much retarded by the restricting of my expenditure in the commencement of the present year to £.41,000, until the Committee of the 29th of June authorized my expending £.105,000. and the sickness among my men and officers, which created a sad stagnation in the works, yet taking these unexpected events into consideration, there has been an astonishing quantity of work performed, as fully detailed in the accompanying Report.

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The traffic appearing very great, I have ordered a toll-house and gates to be erected, and the following Notice to be fixed at the gate, and conceive the tolls will produce at least £.100. currency per annum, which will be paid, as collected, into the military chest, until I receive instructions on that subject:—

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“ of His Majesty’s Ordnance, Orders are given, That no Persons whatever
“ shall be permitted to pass until they have paid one Penny; one Penny
“ also to be paid for every horse, mare, gelding, ox, cow, calf, sheep, lamb
“ and pig; and Two-pence for every waggon, sleigh or carriage, until the
“ pleasure of His Majesty’s Ordnance is known.

“ *John By*, L’ Col’ R’ Engineers.”

I have succeeded in making the mound across Dow’s Great Swamp water-tight, which places beyond all doubt the practicability of converting that unhealthy swamp into a fine sheet of water, and does away with the original idea of forming an aqueduct in the centre of the said mound, and a considerable saving will be made in consequence. I have also succeeded in raising the Rideau River at the Hog’s Back 27 feet perpendicular, and am now busily employed in carrying on that work, in thickening the base, and completing the arch key work across the River, which was injured by the spring floods carrying away the temporary dam; and I have every reason to hope by this time next year, to have the water raised to the required height of 45 feet, as at present I have met with nothing to create a doubt of the practicability of the plan; and if I am allowed to expend £.137,215. 11. 10 $\frac{1}{2}$. in 1829, 1830 and 1831, I am confident the whole of the proposed works will be completed by the 12th August 1831; but I shall require the assistance of six officers of Royal Engineers, in addition to those I have now the honour of commanding, to ensure the masonry and other works being well executed.

I have, &c.

(signed) *John By*.

No. 87.—Copy of TREASURY MINUTE, dated 10th September 1829.

READ a letter from Mr. Hay, dated 20th August last, transmitting, as requested by the letter from this Board of the 11th of that month, the copy of a despatch from Lieut.-General Sir James Kempt, enclosing an abridged Report of the proceedings of Lieut.-Colonel *By* on the Rideau Canal to the 1st March last, and a Statement of the Expenses which had been incurred upon it up to that period.

Correspondence
relative to the
Canal Communi-
cation in Canada.

Read also a letter from the Secretary to the Ordnance, dated 28th ultimo, transmitting, as desired by the letter from this Board of the 7th of that month, a copy of Lieut.-Colonel By's letter of the 20th November 1828, desiring to be allowed £. 137,200 in each of the years 1829, 1830 and 1831, for the Rideau Canal, and the Secretary to the Ordnance at the same time states, that the Lieut.-Colonel does not appear to have been in possession of the reduced estimate for the Rideau Canal formed by the Committee, of which Sir James Kempt was President, alluded to in the above letter from this Board.

Before the amount proposed by the Committee, namely, £. 558,000, is finally assumed as sufficient, the Board of Ordnance are of opinion, it will be advisable to furnish the Commanding Engineer in Canada with a copy of the Committee's Report, so far as relates to the calculations, in order that he may report regarding the reduction of £. 18,000, as proposed by the Committee; and the Board suggest to their Lordships, that in the mean time the sum of £. 140,000. be the amount to be voted for 1830, leaving the remainder open for further consideration.

Transmit copy of Mr. Hay's letter and enclosures to the Secretary of the Ordnance, for the information of the Master General and Board, and acquaint him, with reference to his letter of the 28th ultimo, that although the whole amount of the estimate of the Committee which remains to be provided is £. 262,000. only, My Lords will submit to Parliament a vote for £. 140,000. in the next session, as recommended by the Master General and Board, leaving £. 122,000. to be voted in the year 1831; and My Lords request that Lieut. Colonel By may be called upon to report in the fullest detail, and without delay, on the estimate of the Committee, and that his Report may be submitted to the Committee, for their observations, with reference to their estimate of £. 558,000, as My Lords will not propose to Parliament to grant a larger sum than is sufficient to complete the estimate of £. 558,000, without the most clear and satisfactory evidence of the necessity.

No. 88.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 23d September 1829.

HAVING laid before the Board your letter of the 18th instant, respecting the estimates for the Rideau Canal;—

I am directed to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that agreeably to their Lordships' desire Lieut.-Colonel By will be called upon for the detailed Report required upon this subject.

I have the honour to be, Sir,

Your most obedient humble servant,

R. Byham.

No. 89.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 19th November 1829.

I AM directed by Secretary Sir George Murray to transmit to you the copy of a despatch from Lieutenant-General Sir James Kempt, dated the 20th September last, stating, that in compliance with the recommendation of Lieutenant-Colonel Durnford, commanding Royal Engineers in Canada, he had purchased certain lots of land at the Hog's Back, on the Rideau Canal; I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' information, acquainting their Lordships that Sir George Murray is of opinion, that Sir James Kempt has acted with a just view to the public interest, and in fact has only anticipated the instructions which have been conveyed to him on this subject.

I am, Sir,

Your most obedient servant,

R. W. Hay.

No. 90.—DESPATCH from Lieut-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

Correspondence
relative to the
Canal Communi-
cation in Canada.

SIR,

Chateau St. Lewis, Quebec, 20th Sept. 1829.

WITH reference to my letter (No. 35), dated 2d April 1829, upon the purchase of certain lots of land at the Hog's Back, on the Rideau Canal, belonging to Dr. Munro and to Mr. R. D. Fraser, I have now the honour to transmit extracts of letters from Colonel Durnford, commanding Royal Engineers in Canada, (No. 1), and from Lieut-Colonel By, commanding Royal Engineers upon the Rideau Canal, (No. 2), urging the immediate necessity of buying those lands.

No. 91.

No. 92.

As it appears by the representations of those officers, that the verdict of a jury would most probably award a larger sum in compensation of the damages which those lands have sustained from persons employed upon the Canal, than the price at which their proprietors offer them for sale; as a further delay in their purchase would not only subject the public to an increased demand from the proprietors, but also to the probability of their being bought by unprincipled speculators, with a view to subsequent imposition upon Government, (an expedient which has already been too successfully practised on the line of this Canal), and as there can be no doubt that its completion will greatly enhance the value of all land in its vicinity, I have been induced, at the earnest solicitations of those officers, to authorize the purchase of the lots of Mr. Fraser and Dr. Munro.

The situation of those lots is described in the enclosures of my letter, (No. 35,) dated 2d April last. That of Dr. Munro on the right bank of the Rideau, comprising 900 acres, he now offers *without reserve* for One thousand pounds sterling; and that portion of Mr. Fraser's on the left bank of that River, which remains (after the purchase of the 45 acres formerly made by Lieut.-Colonel By) consisting of 455 acres, is offered for Three hundred and eighty pounds sterling, in all One thousand three hundred and eighty pounds sterling, the amounts which I have authorized to be paid for those lots.

£. 1,000 sterling.

£. 380 sterling.

£. 1,380 sterling.

It is with great reluctance that I depart, even upon the most urgent occasions, from the rule by which I am generally governed, to refrain from sanctioning any expenditure of the public money which has not been previously authorized, but I entertain no doubt that under the circumstances I have stated, you will readily concur in the expediency of the course I have pursued.

I have the honour to be, &c.

(signed) *James Kempt*.

No. 91.—EXTRACT of a Letter from Colonel *Durnford*, Commanding Royal Engineers, *Canada*, (No. 14,) addressed to Lieut.-Col. *Couper*, M.S.; dated 5th September 1829.

—WITH reference to my letters of the 12th February and 24th March last, Nos. 1 & 2, of the Appendix, to Sir James Kempt's letter, No. 35, dated 2d April 1829, I beg leave again strongly to recommend that his Excellency be pleased to sanction the purchase of the property mentioned in Lieut.-Colonel By's letter, No. 2, for the reasons therein explained.

No. 92.

No. 92.—EXTRACT of a Letter, (No. 11,) from Lieut.-Colonel *By*, Commanding Royal Engineers, *Rideau Canal*, addressed to Colonel *Durnford*, Commanding Royal Engineers, *Canada*; dated *Rideau Canal*, 27th August 1827.

—THE enclosed is a letter just received from Mr. R. D. Fraser, and as I am convinced his demand for damages will be much greater than he asks for the estate, I strongly recommend its being purchased immediately. I also recommend Government purchasing Dr. Munro's 900 acres at the Hog's Back, which he has offered to sell without reserve for £. 1,000. sterling, if immediate payment takes place, and

I dread

Correspondence
relative to the
Canal Communi-
cation in Canada.

I dread the consequences if much further delay takes place, for some one will purchase for the express purpose of making a job of the Government. Your obtaining for me the authority of his Excellency Sir James Kempt to make these purchases will greatly oblige me, as I am convinced the Government will save money by an immediate purchase.

No. 93.—LETTER from Mr. *R. D. Fraser* to Lieut.-Colonel *By*,
&c. &c. &c.

SIR,

Edwardsburg, 14th August 1829.

I WOULD have completed the deed for the frontage of the lots Nos. 34 & 35, in Nepean, forty-five acres, but when I came to give the dimensions, I had it not from the surveyor; however, it is no consequence, as I am ready to execute the deed at any time. I have spoken to a number of people who have lands upon the Rideau River, but they hold these lands at too high a rate that I should ever mention.

Mrs. Fraser, my sister-in-law, from Montreal, is now with me; she has lands, 800 acres, where the embankments are going on in Nepean. Should you be desirous to arrange with her for the same, if you will write me what time you will see her, I will go to By Town with her. Also please let me know what is your intention respecting the remainder of the lands at the Hog's Back, 445 acres.

I have the honour, &c. &c.

(signed) *R. D. Fraser.*

No. 94.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 29th January 1830.

WITH reference to your letter of the 18th September last, stating the intention of the Lords Commissioners of His Majesty's Treasury to submit to Parliament a vote for £.140,000. in the next Session, on account of the Rideau Canal;—

I have the honour to acquaint you, as it does not appear that any amount has been notified to the Board as intended to be taken on account of the Grenville Canal, carrying on by the Staff Corps Companies in Canada, now under the orders of the Ordnance Department, the Board, agreeably to a recommendation upon this head from the Inspector General of Fortifications, beg to submit to their Lordships, that the sum of £.30,000. be included in the Colonial Estimates, on account of the Grenville Canal, for the present year.

I have, &c.

(signed) *R. Byham.*

No. 95.—Copy of TREASURY MINUTE, dated 2d February 1830.

MY Lords read the letter from the Secretary of the Board of Ordnance, of the 29th January, recommending to propose a grant of Parliament in the ensuing Session of £.30,000. on account of the Grenville Canal, carrying on by the Staff Corps Companies in Canada, under the orders of the Ordnance Department, in addition to the vote of £.140,000. which My Lords intend to propose on account of the Rideau Canal.

My Lords resume the consideration of all the former papers on the subject of the Canal Communications in Canada, and advert particularly to the Report of the Committee, of which Sir James Kempt was President, on the Rideau Canal, and to the letter of the Secretary of State for the Colonial Department, of the

November

November 1828, transmitting that Report to My Lords, in which it was stated that the whole expense for the Canal Communication would be, exclusive of St. Ann's Rapids, £.734,640. as follows:—

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Rideau Canal	-	-	-	-	£.	558,000
Grenville Canal	-	-	£. 59,100	-	-	
Chûte à Blondeau	-	-	12,540	-	-	
Carillon Rapids	-	-	105,000	-	-	
						176,640
					£.	734,640

My Lords have not yet received any estimate of the probable expense that will be incurred at St. Ann's Rapids, and have therefore not yet sanctioned any expense being incurred on that part of the line of Canal Communication.

It appears, by the accounts and papers before this Board, that there has already been applied on account of the above-stated expenditure, £.409,000.; viz.

		£.
From the Army Extraordinaries in the commencement of the work	-	40,000
And from Grants of Parliament in the years 1826, 7, 8 & 9	-	369,000
		£. 409,000

And that the whole sum required therefore to complete all the estimates already approved of is £.325,500.

The whole of the grants of Parliament have already been issued to the Ordnance Department, to enable that Department to repay, to the credit of Army Extraordinaries, the advances made in the first instance out of that fund in Canada to Ordnance officers on account of this expenditure, and My Lords are not aware that the Board of Ordnance have been called upon to pay, or have paid, any portion of the first-mentioned sum of £.40,000. applied from the Extraordinaries when the work first commenced.

My Lords have already communicated to the Master General and Board of Ordnance their intention to submit a vote to Parliament of £.140,000. on account of this service during the present Session, and they think it will be expedient to add to that proposed vote the further sum of £.23,000. instead of the £.30,000. proposed by the Ordnance, so as to grant an equal amount in the present as in the last year for this expenditure. By making a grant of £.163,000. during the Session of 1830, the amount which will be required in 1831 to complete all the works already approved of, viz. Rideau Canal, Grenville Canal, Chûte à Blondeau and Carillon Rapids, will be reduced to £.162,640., and that amount My Lords will accordingly propose to Parliament to be granted in the Session of 1831; but their Lordships will not submit any vote whatever beyond these sums for these services, if any such should be called for without the most distinct and satisfactory explanations of the ground on which any such exceedings can be justified. They think it right to make this declaration thus early, in order that the Master General and Board of Ordnance may make the necessary communications upon the subject to all the parties employed, and issue to them the strictest injunctions for keeping this expenditure within the estimates.

Transmit copy of this Minute to the Secretary of the Ordnance, and desire he will bring it under the special consideration of the Master General and Board, who will perceive from it that My Lords do not think it expedient to propose to Parliament, during the Session of 1830, a larger grant, on account of these works, than that for which the sanction of Parliament was given in 1829, and can therefore only increase the estimate already prepared for £.140,000. by the addition of £.23,000. instead of £.30,000. as recommended by that Board, making the total proposed grant for 1830, £.163,000.

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No. 96.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 8th March 1830.

HAVING laid before the Board your letter of the 10th ultimo, transmitting a copy of a Minute of the Lords Commissioners of His Majesty's Treasury, dated the 2d of that month, relative to the sums required for the Water Communications in progress in Canada;—

I have the honour to state, that on a perusal of the Minute, there appears to be a considerable difference between the sums calculated for those works, as compared with the calculations in this department, the Board therefore submit to their Lordships the following explanatory observations upon the subject; viz.

In the statement, the expense of the Rideau, which has been conducted by the Ordnance from the commencement, and the Grenville and other Canals carrying on by the Staff Corps, and only very recently transferred to the Ordnance, appear in the Minute to be mixed up into one account; as this, however, may lead to inconvenience, the Board are of opinion that it is advisable to separate those expenses, in order that the subject may be understood. And with respect to the Rideau, the Board merely observe, that the amount stated in their Lordships' Minute for the work is £. 558,000, but that Lieut.-Colonel By's estimate is £. 576,757, making a difference of £. 18,000; and on this the Lieut.-Colonel has been called upon to report, as requested by their Lordships in your letter of 18th September 1829, and upon receipt of his answer a notification will be made to their Lordships; under the admission, therefore, that this is to be further explained, there is no difference relative to the expense of the Rideau.

In regard however to the Grenville, the Chûte à Blondeau, and the Carillon Rapids, for which a sum of £. 176,640. is put down in their Lordships' Minute, the Board presume that this sum has been obtained from the information afforded by Lieut.-Colonel Fanshawe, a member of the late Canada Commission, of which Sir James Kempt was President; as, agreeably to the desire of the Secretary of State for the Colonial Department, notified in Mr. Hay's letter of 22d October 1828, the Board called for an account of the probable expense of completing those works with locks on the scale of those ordered for the Rideau, and a communication of the same was made to Mr. Hay on 7th November 1828, from which it appears that the above sum was made out as follows:

	£.
For the Grenville Canal already commenced	59,100
For the Chûte à Blondeau	12,540
For the Carillon Rapids	105,000
Total	£. 176,640

The Board however beg to observe, that this calculation was stated by Lieut.-Colonel Fanshawe to be only grounded on the different estimates of the executive officers, who were not then under the orders of the Ordnance, nor the works conducting under their superintendence; and moreover, that the above sum was calculated for the completion of the works *from* that date, viz. the end of 1828; whereas, in the statement in their Lordships' Minute, the whole that was allowed for those works out of the Army Extraordinaries, or from the grants of 1826, 1827 and 1828, appear to be placed against this expense, when only the vote of 1829 (£. 32,313.) the Board submit to be the fair charge against the £. 176,640. given in by Lieut.-Colonel Fanshawe. The Board further direct me to state, that there were, in fact, no documents or detailed estimates in this office to shew the expense of completing these works, until the receipt of Sir James Kempt's despatch of 12th February 1829, addressed to the Secretary of State for the Colonial Department, but which is not adverted to in their Lordships' Minute. In the said despatch it is distinctly stated by Sir James Kempt (and the detailed estimates are furnished) that

CANAL COMMUNICATION IN CANADA.

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that the Grenville Canal, exclusive of what had been previously expended on it, would require	-	-	-	-	-	-	-	£. 21,000	Correspondence relative to the Canal Communi- cation in Canada.
That the Chûte à Blondeau would require	-	-	-	-	-	-	-	11,580	
And the Carillon Rapids	-	-	-	-	-	-	-	58,000	
Making a total of								£. 90,580	

And as, before this Report was received in England, a vote of £. 32,213. had been allowed, in the estimate for 1829, on account of the Grenville, there remained to be voted for these works the sum of £. 58,367.

In stating the foregoing observations for their Lordships' consideration, the Board direct me to add, that the calculation was formed on the above-mentioned despatch when they submitted, in their letter of 29th January last, that £. 30,000. should be voted for those works in the present year, in order that they might be proceeded with so as to be completed as soon as the Rideau; and on reference to Sir James Kempt's Report, the expediency of a grant to that amount will be perceived.

I have, &c.

(signed) *R. Byham.*

No. 97.—Copy of TREASURY MINUTE, dated 19th March 1830.

READ Letter from the Secretary of the Ordnance, dated the 8th instant, further on the subject of the Water Communication in Canada.

My Lords have again before them the former papers on this subject, and refer particularly to their Minute of 2d February 1830, in which their Lordships set forth the amount which from those papers it appeared to them to be necessary to provide for completing all those parts of this line of Canal Communication, for which estimates have received the sanction of this Board.

My Lords perceive from the letter of the Board of Ordnance, that although that Board states the subject in a somewhat different manner, yet that they arrive at very nearly the same result.

The Board of Ordnance assume from the reports which they have received, that £. 58,367. was required, at the commencement of the year 1830, to complete the Grenville Canal, the Chûte à Blondeau and the Carillon Rapids; and as that had to the close of 1829 been granted for the Rideau Canal, £. 296,000. then remained as stated in My Lords' Minute of 4th August 1829, to be granted in 1830 and 1831, £. 262,000. to complete the Rideau Canal. These two sums taken together, amount to £. 320,367, and as an estimate has already been laid upon the table of the House of Commons, for granting £. 163,000. for this service for the year 1830, there will remain still to be granted according to the Ordnance account in the year 1831, £. 157,367. to complete the whole amount required, by which means provision will be made for completing the whole of the Canals at the same time. It does not appear to My Lords under these circumstances to be necessary to increase the estimate for 1830.

Transmit copy of this Minute to the Secretary of the Ordnance, for the information of The Master General and Board.

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cation in Canada.

No. 98.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 14th June 1830.

I AM directed by Secretary Sir George Murray to transmit to you the enclosed despatches from Lieut.-General Sir James Kempt, with their enclosures, from Lieut.-Colonel By, relative to the progress of the Rideau Canal, and the increase upon the estimate for the Carillon Canal; and I am to request that you will lay the same before the Lords Commissioners of the Treasury for their Lordships' information.

I am, &c.

(signed) *R. W. Hay.*

12 Feb. 1830.

1 April 1830.

No. 99.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Honourable Sir *George Murray*, &c. &c. &c.

SIR,

Castle of St. Lewis, Quebec, 12th Feb. 1830.

THIS being the period of the year at which you may expect from me a report upon the state of the Rideau and Ottawa Canals, I beg to transmit for your information a copy of a letter upon the former, addressed to me by Lieut.-Colonel By, the engineer in command, which I consider satisfactory; and, when received, I shall not fail to forward you the condensed Report upon that Canal to which he alludes, together with the Annual Reports upon the progress and state of the Canals upon the Ottawa, the arrival of which I am in daily expectation.

I am sorry, however, to observe, that the Canals at the Carillon and Châte à, Blondeau have by no means advanced during the past season as I was led to expect; indeed, at the former, with the exception of clearing and surveying its course, no part of the work has been even yet undertaken.

A few days ago an Estimate of the Carillon Canal was submitted to me, amounting to £.88,633. 5. 2½. sterling, which exceeds the amount of that approved by His Majesty's Government (£.58,068. 8. 6.) in the sum of £.30,564. 16. 8., an excess of more than half the total amount of the approved Estimate.

Being greatly surprised by so extraordinary a discrepancy, for which I was altogether unprepared, I lost no time in directing a committee of competent officers, of which Colonel Durnford, Commanding Royal Engineer in Canada, is President, to be convened upon the spot to investigate the matter, and to prepare a correct Plan and Estimate for that Canal, which shall be forwarded to you with the least possible delay. In the meantime I have suspended the commencement of that work, with the exception of such small preparatory measures as may be found necessary until its estimate shall have met your approbation; and I trust I shall be honoured with your instructions to proceed with the work, so far at least as the sum appropriated thereto by the Imperial Parliament may permit, at a period of the season sufficiently early to prevent any delay in its prosecution, from the suspension, which, for the foregoing reasons, I have deemed incumbent upon me to direct.

I have, &c.

(signed) *James Kempt.*

No. 100.—LETTER from Lieut.-Colonel *By* to Lieut.-General Sir *James Kempt*
&c. &c. &c.

MY DEAR SIR,

By Town, 8th January 1830.

I HAD yesterday the honour of receiving your Excellency's kind note of the 20th ultimo, and have the gratification of assuring your Excellency, that, as I have succeeded in raising the water at the Hog's Back to the required height, the surplus quantity of flood water has to pass over a solid rock, on the east flank; and the west flank being protected by the lock and the wing walls of the said lock, with a strong
natural

Dated 8 Jan. 1830.

natural bank considerably above the required level, I trust there is no fear of being beaten on either flank; and all that remains to be done is, to strengthen the centre, which appears to stand the pressure without the least alteration; I am, therefore, inclined to call this great work finished, with the exception of dressing off the ground in the spring.

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As I am extremely anxious to make my Progress Report as explicit as possible, I am forming Plans and Sections of each work, on a scale of twenty feet to an inch, which I hope to be able to send to Colonel Durnford to lay before your Excellency, with the Plans of the ground required for the Rideau Canal, accompanied by my Progress Report, in about six weeks; at which time I shall be able to send your Excellency an abridged Report, showing the state of each work; and I beg to state that, finding it impossible to send off my Progress Report within that period, and conceiving it a matter of consequence that Government should, with the least possible delay, be made acquainted with the amount of my disbursements, I have sent, by the way of New York, my letter to General Mann, which was written to accompany my detailed Progress Report, a copy of which I have the honour of enclosing for the information of your Excellency, from which it appears that the work keeps pace with the expenditure, and that the estimate will nearly complete the Water Communication from the Ottawa to Kingston; but as I can hardly flatter myself that this is the fact, myself and officers are re-measuring the work still remaining to be executed, wishing to form a correct calculation before I send an abridged Report to your Excellency.

I have, &c.

(signed)

John By.

31 Dec. 1829.

No. 101.—LETTER from Lieut.-Colonel *By* to General *Mann*,
&c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal, 31 Dec. 1829.

I HAVE the honour of transmitting, for the information of his Lordship the Master General, and Right Honourable and Honourable Board of Ordnance, the Progress Report of Works on the Rideau Canal, Upper Canada, from their commencement on the 21st September 1826 to the 31st December 1829, from which it appears that £.349,264. 13. 2. has been expended, to which sum should be added about £.10,000 for works not yet measured, conceiving it my duty to reserve some of the contractor's work as security.

The sums authorized to be expended are,—

			£.	s.	d.
For the year	1826	- - -	5,000	-	-
—	1827	- - -	56,000	-	-
—	1828	- - -	105,000	-	-
—	1829	- - -	130,666	13	4
			£. 296,666	13	4

But the expenditure, as detailed in the Progress Report herewith annexed, amounts to £.349,264. 13. 2., which sum taken from the estimate of £.576,757. 12. 2½. for the large locks, as given to the Committee, of which His Excellency Sir James Kempt was President in June 1828, leaves a balance unexpended of £ 227,492. 19. —½. being about two-fifths of the sum then supposed to be required; and I have the satisfaction to state, that, on examining the various works, and comparing the measurements, as far as possible, of those performed with those still remaining to be executed, I find that rather more than three-fifths of the work are already executed; consequently I have every reason to suppose the Water Communication between the Ottawa and Kingston will be completed in August 1831, with very little excess on the said Estimate: but I most respectfully beg to explain, for the information of his Lordship the Master General, that although there is only a certain sum per annum granted to carry on these works, it is not in my power to limit the expenditure to that sum, the contracts being so worded, that payment must be made as the works progress; and the dreadful effects of the lake fever have so alarmed the different contractors, and so materially increased the expenses, that they are anxious to complete their works with the least possible delay. I therefore expect that nearly the whole of the works will be completed next year, and that, in consequence,

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£.200,000 will be required for the year 1830, leaving £.27,492. 19. $-\frac{1}{2}$. for the year 1831.

I have also the honour to report, that the dam at the Hog's Back is nearly completed, and answers the desired object in every respect, having raised the Rideau River to the required height of forty-five feet, and thrown back six feet depth of water into the lock at Black Rapids, which proves my original levels at this place to be correct, and also the practicability of my project, which, when the dam gave way last April, was doubted by many, and to this annoyance I attribute the serious illness with which I was afflicted in April last; but owing to the prompt assistance I received from Mr. Tuthill, the ordnance surgeon at this station, I was enabled to resume my duty in a few days, and I went through the line of the Canal with Colonel Durnford within a fortnight after my attack. I have also the satisfaction to state, that although my life was despaired of in consequence of a severe attack of the lake fever, which I caught when up the line in September last, I was sufficiently recovered to go up again on the 9th November, and, although exposed to very great hardships, by being frozen in on Mud Lakes, and passing the night in a small uninhabited island, I have not suffered, and trust my health is so re-established as to permit me to continue my arduous duties until this great work is completed. At the same time I feel extremely grateful for your having sent me Lieut.-Colonel Boteler, whom I have placed in charge of the Kingston division, extending from the narrows Rideau Lake to Kingston; and he has my instructions to forward the service of surveying the lands required for the defence of the various works on the Rideau Canal with all possible dispatch. I am also preparing plans and sections of each work, with calculations, to show the sums required for the completion of each. At the same time I respectfully beg to observe, these calculations must not be considered as the *positive* sums required; for although myself and officers are using every exertion to bring them as near the sum required as possible, yet the clearing and deepening various parts of the River, Cranberry Marsh and Lake, as also clearing and deepening Cataroqui Creek, and the excavation of the Isthmus Rideau Lake, are services so interwoven with unforeseen contingencies, that the expenses of them must remain uncertain until they are completed; and the utmost that can be done is, to state the probable sum that will be required.

I have, &c.

(signed) *John By,*
Lieutenant Colonel Royal Engineer
Comm^d. Rideau Canal.

No. 102.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 14 June 1830.

WITH reference to my letter of this day's date, transmitting despatches from Lieut.-General Sir James Kempt, on the subject of the Rideau Canal, I am now directed by Secretary Sir George Murray to transmit to you a copy of a despatch from Lieut.-General Sir James Kempt, enclosing a Report from Colonel Durnford, with the Estimates prepared by the Committee of which he was President, for the formation of the Canals at Carillon (£.72,318. 3. 7 $\frac{1}{2}$. sterling); Chûte à Blondeau (£.20,785. 5.); for completing the Grenville Canal (£.24,131. 13. 3 $\frac{1}{2}$.), and for altering its dimensions where necessary, to correspond with those of the Rideau and the other Ottawa Canals (£.54,245. 19. 2.), which, with the expenses of the establishments of the two Companies of the Royal Staff Corps, employed upon that work from 25 June 1829 to 31 December 1832 (£.23,761. 11. 8 $\frac{1}{2}$.), form an aggregate amount of £.195,242. 12. 10. sterling; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, for their Lordships' consideration and decision, calling their Lordships' attention to Sir James Kempt's suggestion as to the expediency of retaining and employing upon the Ottawa Canals a portion of the Engineer Officers and Sappers and Miners now stationed on the Rideau Canal, which will be nearly completed in the present year.

I am, &c.

(signed) *R. W. Hay.*

No. 103.

To His Excellency Lieut. Gen. Sir James Kempt, G. C. B.
&c. &c. &c.

REPORT and ESTIMATE

Of the Total probable Expense, from the 25th of April 1829, of
Forming the Line of Canal at the Carillon Rapids :
Completing the Line now under execution at the Chute à Blondeau :
Completing the Grenville Canal according to the Plan and Instructions already
approved of by the Committee, under His Excellency Sir James Kempt :—and
Altering the Three Locks now constructed at the Grenville Canal, on the small
scale, to correspond with those of larger dimensions ; and widening and deepening
the Canal where necessary, as ordered by the same Committee ; including
the Expense of the Two Companies of the Royal Staff Corps, from the
25th June 1829 :

Proposed to be carried on in the years 1830, 1831, and 1832 ;

Amounting to the Sum of - - £. 195,242. 12. 10.

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No. 103.—REPORT and ESTIMATE of the total probable Expense from

ABSTRACT - - - - -

Item	
1.	FORMING the line of Canal at the Carillon Rapids - - - - -
2.	Completing the Canal now under execution at the Chûte à Blondeau
3.	Completing the Grenville Canal according to the Plan and Instructions already approved of - - - - -
4.	Altering the three Locks now constructed at the Grenville Canal on the small scale, to correspond with those of larger dimensions; and widening the Canal where necessary - - - - -
5.	Establishment from 25th of June to 31st of December 1829, and for the years 1830, 1831 and 1832 - - - - -
	TOTAL - - - - -

REPORT.

THE line of Canal, as directed in 1828, would form one continued line of cutting from its entrance above Dewar's Island to the village of Carillon; and for which the revised estimate, amounting to £. 88,633. 5. 2 ¹/₂. transmitted by Lieut.-Colonel Du Vernet on the 6th January 1830, would scarcely suffice.

By taking advantage, however, of the north channel of Dewar's Island, by constructing two dams, a saving of about £. 5,360 is effected.

At the lower end, by making the entrance to be protected by a pier or breakwater, at a point about 500 yards above the village of Carillon, a further saving of about £. 10,950 is made on that Estimate; calculating on the same average prices, although perhaps the deep cutting through the latter part, thus avoided, might amount to £. 15,000.

From the information obtained, and as there was but little fall on the ice (February 1830) between the proposed lower entrance and the former one in the village, it was considered that by means of a pier or breakwater, the navigation of the river might be practicable as far as the upper point: on which principle this Estimate has been framed.

As, however, this could only be decided finally upon seeing the place at other seasons of the year, it is recommended now to commence the cutting of the Canal upwards, opposite to the proposed lower entrance, and with the excavation to form the rough mass of the breakwater: in which case, should the current still prove to be too strong for the adoption of this proposed entrance, the general line of Canal would not have been interfered with, and only a small expense incurred for some extra wheeling; and it would afterwards become a question, whether to make the entrance near Davis's Wharf (as shown on the Plan) at an additional expense to this Estimate of £. 3,471. 15. 3 ¹/₂., or at the village, as directed in 1828, at the additional expense to this Estimate of £. 15,116. 17. 2 ¹/₄. allowing an extra price for this deep cutting.

PLAN, No. 1.

the 25th of April 1829, of forming the Line of CANAL at the *Carrillon Rapids*.

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cation in Canada.

ABSTRACT.

AMOUNT OF ESTIMATES, including Sums Expended.	ORIGINAL ESTIMATES	EXCESS to be Provided.
£. s. d.	£. s. d.	£. s. d.
72,318 3 7½	58,206 17 9½	14,111 5 10
20,785 5 -	14,033 5 5	6,751 19 7
24,131 13 3½	21,031 16 2¾	3,099 17 1
54,245 19 2	- - - -	54,245 19 2
23,761 11 8½	- - - -	23,761 11 8½
195,242 12 10	93,271 19 5½	101,970 13 4½

ESTIMATE.

1.—FORMING the LINE of CANAL at the <i>Carillon Rapids</i> .	£. s. d.
127,816½ cubic yards of excavation through rock - 5s. sterl.	31,954 2 6
42,605 - - - ditto - - - through earth - 1s. 6d. -	3,195 8 3
21,000 - - - ditto - - - of hard rock in Channel, De- war's Island - 6s. sterl.	6,300 - -
27,250 - - - ditto - - - of rock from Channel to old line - - - 5s. -	6,812 10 -
21,888 - - - ditto - - - in forming two dams complete, 3s. sterl.	3,193 4 -
611 toises of dry masonry in Pier or Breakwater, at the proposed lower entrance to Canal - - - - 20s. sterl.	611 - -
Extra wheeling of excavation to fill in behind - ditto - - -	800 - -
1,166 cubic yards of excavation through rock in bed of River, in clearing the entrance of Canal - - - - 6s. 6d. sterl.	378 19 -
Additional coffer-dam, and machinery for pumping - - -	300 - -
Regulating Lock, Masonry - - (former Estimate) £. 5,548 15 3	
Ditto - - - Carpentry - - - - ditto - 507 10 9	
Ditto - - - Iron and Smith's work, ditto - 265 - -	
Ditto - - - Machinery for Sluices, ditto - 187 19 -	
Ditto - Lower Lock - - - - - ditto - 6,339 15 4	
Currency - - - £. 12,849 - 4	11,135 16 3½
2 Lock Houses - - - (former Estimate) £. 346 - -	
2 Dams - - - - - ditto - 300 - -	
New Road proposed - - - ditto - 500 - -	
Fencing 2 miles, 229 yards, at 2s. p' pannel, ditto - 80 6 3	
Currency - - - £. 1,226 6 3	1,062 16 -
Contingencies, 1/10 - - -	65,743 16 -½
	6,574 7 7½
Total - - - £.	72,318 3 7½
Amount of Estimate, dated 29th January 1829 - £.	58,206 17 9½
Excess to be provided for - - - £.	14,111 5 10

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cation in Canada.

REPORT.

The excavation at this place was originally estimated at 3*s.* 6*d.* currency per cubic yard, on the supposition, as stated by Lieut.-Colonel Du Vernet in the Report, that the rock appearing to be in loose horizontal strata, might be removed without much blasting: immediately under the surface, however, it has proved to be extremely hard and compact, and the excavation, already performed to the depth of seven feet only, has averaged 4*s.* 5 $\frac{3}{4}$ *d.* sterling the cubic yard. Consequently, 6*s.* 6*d.* sterling per cubic yard will not be more than necessary to complete the remainder to the full depth of twenty-two feet, especially as a great part of it will be under the surface of the river. An extra allowance for the coffer-dam and machinery for pumping out the water also appears to be necessary.

The erection of the Barrack Store and Workshops, and the making a road of communication from the high road to the works, formed a necessary part of the expenditure.

In the Estimate for this service, amounting to the sum of £. 21,031. 16. 2 $\frac{1}{2}$. dated 8th November 1828, the several prices inserted for the excavations were far too low, in consequence of which, the whole amount of £. 2,205. 18. 6. currency, together with the contingency on it, has been expended mostly in the lock pits, having 3,024 cubic yards in the bed of the river at the lower entrance to Canal to be excavated, and which are now brought forward.

The formation of a drain at the back of the locks will be required, in consequence of some strong springs of water.

A sum of £. 150 currency was inserted in the former Estimate for a coffer-dam and pumping; but the now apparent difficulties make an additional sum advisable.

The paving to the bottom of No. 4 & 5 locks was not contemplated in the former Estimate: it has since been found necessary.

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			£.	s.	d.
2.—COMPLETING the CANAL now under execution at the <i>Chûte à Blondeau.</i>					
29,382 cubic yards of excavation remaining to be cut through hard rock 22 feet deep, with a great part of it below the surface of the River, at 6s. 6d. sterling - - - - -			9,549	3	-
			£. s. d.		
Masonry - - - - as in former Estimate -	6,075	18	9		
Carpentry - - - - ditto - - - -	580	17	6		
Iron and Smiths' work - - ditto - - - -	275	-	-		
Machinery Cast-iron work - ditto - - - -	187	19	-		
Lock-house - - - - ditto - - - -	173	-	-		
Coffer-dam and pumping - ditto - - - -	300	-	-		
Fencing - - - - ditto - - - -	6	-	-		
Currency - - - £. 7,598			15	3	
Extra coffer-dam, and machinery for pumping, at £. 200 currency -			173	6	8
Contingencies, $\frac{1}{10}$ - - -			16,308	1	6 $\frac{1}{2}$
Total required to complete - - - £.			17,938	17	8 $\frac{1}{2}$
11,312 cubic yards of excavation already performed in 1829, 4s. 5 $\frac{1}{2}$ d. sterling			2,538	15	3 $\frac{1}{2}$
Expended in building a Barrack, Store, and Workshops - - -	230	11	11 $\frac{1}{2}$		
Forming a road of communication from the high road to works -	77	-	- $\frac{1}{2}$		
Total expended and required to complete - - £.			20,785	5	-
Amount of revised Estimate* - - - - £.			14,033	5	5
Excess to be provided for - - - £.			6,751	19	7
3.—COMPLETING the GRENVILLE CANAL, according to the Plan and Instructions already approved of.					
3,024 cubic yards of excavation in hard rock, in bed of River at the lower entrance to Canal - - - - 6s. 6d. sterling			982	16	-
810 cubic yards of excavation, in forming a drain at the back of the locks - - - - 5s. 6d. sterling			222	15	-
Additional coffer-dam, and machinery for pumping - - - -			300	-	-
10,500 feet superficial of strong paving to bottom of Nos. 4 & 5 Locks - - - - 2s. 6d. sterling			1,312	10	-
Contingencies, $\frac{1}{10}$ - - -			2,818	1	-
			281	16	1
To complete Nos. 6 and 7 Locks, agreeably to the Estimate dated 8th November 1828; being the Amount remaining unexpended on that Estimate on the 31st December 1829 - - - -			3,099	17	1
Total required to complete - - - £.			10,637	4	10 $\frac{1}{2}$
Expended in 1829, including £. 1,301. 12. 3. amount of Materials purchased and remaining in store, to be used in the Works - -			13,737	1	11 $\frac{1}{2}$
Total expended and required to complete - - - £.			10,394	11	4
Amount of Estimate, dated 8th November 1828 - £.			24,131	13	3 $\frac{1}{2}$
			21,031	16	2 $\frac{1}{2}$
Excess to be provided for - - - £.			3,099	17	1

* Reported in Lieut.-Colonel Du Vernet's letter to the Military Secretary, dated 19th June 1829.

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cation in Canada.

REPORT.

These locks were built as formerly ordered, 108 feet long and 20 feet wide. It is calculated that they cannot be taken down and rebuilt complete, of the dimensions now approved of (130 feet by 33) feet for steam navigation, at a less expense than stated.

The Canal had been originally laid out 28 feet wide at bottom, excepting at the deep and expensive cuttings, where, for a distance of about 1,600 yards, it is only 20 feet wide. The excavation herein stated is for making the whole length of Canal, about six miles, forty feet wide at bottom; and the average price of 3*s.* 6*d.* per cubic yard is assumed, as in the deep cutting it is entirely through rock, and in no other part is there less than two or three feet of rock at the bottom.

The re-forming a tow-path or road is estimated, as in some places the whole, and in others the greater part, will have been cut away in widening the Canal.

The Canal having isolated between it and the Ottawa River a long slip of land, although not more than about 360 acres, yet extending nearly six miles, and belonging to different proprietors settled on it; five permanent bridges had been established, which must now be replaced by draw-bridges (and of a greater extent), to allow the passage of steam-boats, or the land be purchased; which, however, may not be so practicable, except in one instance, where the sum required for the bridge exceeds the value of the land.

This item is for the entire establishment for three years and a half, which period may be considered necessary for the completion of the whole line of works, twelve miles in extent from the Carillon village to Grenville, and includes the subsistence, clothing, rations, and total expense, of the two companies of the Royal Staff Corps.

The labour of the two companies has been considered in the foregoing Estimate; but as their services are chiefly directed towards the superintendence of the works, as well as affording the necessary military protection, since there is, in consequence, no detachment of other troops at the station, the charge for them is now made a separate item.

The actual charge for the establishment, from the 25th June to the 31st of December 1829, not having been otherwise provided for, is necessarily inserted in this item.

ESTIMATE.

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4.—ALTERING the three Locks now constructed on the *Grenville* Canal on the small scale, so as to correspond with those of the larger dimensions, and widening and deepening such parts of the Canal as may require alteration.

Taking down and re-building on the approved large scale for Steam-boat navigation - - - - No. 1 Regulating Lock - -	£.	s.	d.
Taking down and re-building ditto, No. 2 Lock, 6 feet lift - -	7,000	-	-
Taking down and re-building ditto, No. 3 Lock, 7 feet lift - -	4,500	-	-
300 toises of dry masonry in forming a Pier on south side of entrance at upper end of Canal - - - - - 20s.	5,000	-	-
Coffer-dam, and machinery to pump out water - - - -	300	-	-
163,147 cubic yards of excavation through rock and earth, in widening the present Canal from 20 and 28 feet width to 40 feet throughout at bottom - - - - - 3s. 6d.	28,550	14	6
13,777 cubic yards of excavation, in re-forming a Tow-path 1s. 8d.	1,148	1	8
4,314 yards running of grubbing, and removing the Bolders on part of ditto - - - - - £.5 per 100 yards	215	14	-
6 miles running-metalling the whole length of ditto, including breaking of stone and transport - - - - - £.100	600	-	-
Taking down and re-building four large Drains or Bridges over rivulets £.50	200	-	-
Putting up five Draw-bridges over Canal, constructed to permit the passage of Steam-boats - - - - -	1,500	-	-
	49,314	10	2
Contingencies, $\frac{1}{16}$ - - -	4,931	9	-
TOTAL - - - £.	54,245	19	2

5.—ESTABLISHMENT.

Pay and Allowances, including every charge of one Field-Officer and two Companies of the Royal Staff Corps for 365 days (as per Return) for the year 1830 [<i>Vide</i> page 105.] - - - -	£.	s.	d.
	Sterling.	6,520	18 7
Clerk of Works, 365 days, at 7s. 6d. - - - -	Currency.	136	17 6
Lodging Money - - - - -	24	-	-
Office Rent - - - - -	18	-	-
Wood Money - - - - -	8	-	-
365 days' Rations, at 7d. - - - -	10	12	11
	Currency - - -	197	10 5
Clerk, 365 days, at 3s. - - - -	54	15	-
365 Rations, at 7d. - - - -	10	12	11
	Currency - - -	65	7 11
Two Issuers of rations to Civilians, and of Tools, 730 days, at 1s. - - - -	36	10	-
Ordnance Clerk and Acting Paymaster, 365 days, at 9s. - - -	164	5	-
Fuel and Candles - - - - -	4	5	4
Contingent Account, Postage and Travelling - - - -	12	-	-
TOTAL - - - £.	6,960	18	9½
Similar Establishment for two years in addition, viz. 1831 and 1832 -	13,921	17	7
Pay and Allowances, including every charge of one Field Officer and two Companies of the Royal Staff Corps, as per Return from 25th June to 31st December 1829 [<i>Vide</i> page 104.] - - -	2,802	7	4½
Pay of Acting Paymaster, including Postage Account, from 25th June to 24th September 1829 - - - -	32	12	4½
Pay of Ordnance Clerk and Acting Paymaster, including Contingent Account from 1st October to 31st December 1829 - - - -	43	15	7
TOTAL - - - £.	23,761	11	8½

E. W. Durnsford, Col. Corps of Royal Engineers,—President.
 John By, Lieut.-Col. Royal Engineers,
 R. Boteler, Lieut.-Col. Royal Engineers,
 Henry Du Vernet, Lieut.-Col. Royal Staff Corps,
 G. D. Hall, Captain Royal Staff Corps,

Members.

Grenville,
6th March 1830.

In reference to ITEM 5, p. 103.

DETAILED EXPENSE of the Detachment ROYAL STAFF CORPS employed on the Public Works on the *Ottawa* River, from the 25th June, the day handed over to the Ordnance Department, to the 31st of December 1829, inclusive.

	RATE per Day.	No. of Days.	AMOUNT STERLING.	TOTAL STERLING.	
	£. s. d.		£. s. d.	£. s. d.	
PAY:					
1 Lieut.-Colonel (on pay of Major)	- 19 3	190	182 17 6		
2 Captains - - -	- 15 8	- -	297 13 4		
3 First Lieutenants - - -	- 9 -	- -	256 10 -		
1 First Lieutenant (Waterloo) -	- 10 -	- -	95 - -		
				832 - 10	
COMPANY ALLOWANCES:	Per Annum.				
2 Companies, Contingent Allow- ance - - - - - }	47 7 6	- -	47 7 6		
2 Captains, Stationery - ditto -	6 - -	- -	6 - -		
				53 7 6	
ORDINARY ALLOWANCES:					
Lodging, and Forage Allowance for Officers: Mess, &c. to 24 December (paid by Com- missariat) - - - - }	- - -	- -	190 9 4 $\frac{3}{4}$		
Fuel Allowance for entire of De- tachment, same period (paid by Commissariat Department) - }	- - -	- -	93 13 11		
				284 3 3 $\frac{3}{4}$	
Amount of Pay List from 25 June to 24 September 1829 - - }	- - -	- -	536 - 9		
Amount of Soldiers' Rations for the same period, at - }	- - 6	- -	273 6 6	- - -	- - Officers, Soldiers' Wives and Children, not included.
Amount of Pay, from 25 Sept. to 31st December 1829 - - }	- - -	- -	531 19 9		
Amount of Rations for the same period - - - - }	- - -	- -	273 11 6	- - -	- - ditto - - ditto.
Straw for Men's Beds - - -	- - -	- -	1 10 10 $\frac{1}{2}$		
Attendance of a private Practi- tioner on Sick - - - }	- - -	- -	3 6 4		
Apprehension of Deserters -	- - -	- -	13 - -		
				1 632 15 8 $\frac{1}{2}$	
				2,802 7 4 $\frac{1}{2}$	

Henry Du Vernet,
Lieut.-Colonel Royal Staff Corps.

CANAL COMMUNICATION IN CANADA.

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In reference to ITEM 5, p. 103.

Correspondence
relative to the
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cation in Canada.

ESTIMATE of PAY and ALLOWANCES for a Detachment of the Royal Staff Corps stationed in *Canada*, consisting of one Field Officer, and two Companies complete, to the Establishment turned over to the Ordnance; from the 1st January to 31st of December 1830.

No.	DESCRIPTION.	No. of Days.	RATE per Diem.			AMOUNT.	TOTAL AMOUNT.		
	OFFICERS:		£.	s.	d.	£.	s.	d.	
1	Lieutenant Colonel, having the pay of } Major - - - - -	365	-	19	3	351	6	3	
2	Captains - - - - -	-	-	15	8	571	16	8	
4	First Lieutenants - - - - -	-	-	9	-	657	-	-	
	First ditto for Waterloo - - - - -	-	-	1	-	18	5	-	
2	Second Lieutenants - - - - -	-	-	8	-	292	-	-	
							1,890	7	11
	NON-COMMISSIONED OFFICERS, BUGLERS AND PRIVATES:								
6	Serjeants - - - - -	-	-	2	6	273	15	-	
1	Bugle Major - - - - -	-	-	1	10	33	9	2	
1	Bugler - - - - -	-	-	1	3	22	16	3	
12	Privates, 1st Class - - - - -	-	-	2	-	438	-	-	
24	Ditto - 2d ditto - - - - -	-	-	1	6	657	-	-	
84	Ditto - 3d ditto - - - - -	-	-	1	3	1,916	5	-	
							3,341	5	5
	RATIONS:								
9	Extra allowance for Officers (the men } paying 6d. each) - - - - -	-	-	-	3½	47	18	1½	
1	Officer's Servant, not soldier - - - - -	-	-	-	3½	5	6	5½	
6	Soldiers' Wives - - - - -	-	-	-	3	27	7	6	
21	Ditto - Children, average at - - - - -	-	-	-	2	63	17	6	
							144	9	7
	HORSES' FORAGE RATIONS:								
2	Lieutenant Colonels - - - - -	-	-	1	6	273	15	-	
2	Captains - - - - -	-	-	-	-				
6	Subalterns - - - - -	-	-	-	-				
							273	15	-
	FUEL ALLOWANCE:				Per Week.				
1	Field Officer - - - 2 rooms - - -	-	-	11	4	29	9	4	
2	Captains - - - 2 ditto - - -	-	-	-	-	29	9	4	
6	Subalterns - - - 6½ ditto - - -	-	-	17	-	44	4	-	
2	Acting Staff Serjeants, 2½ ditto - - -	-	-	5	8	14	14	8	
1	Orderly Room - - - ½ ditto - - -	-	-	2	10	7	7	4	
1	Officers' Mess - - - 2 ditto - - -	-	-	11	4	29	9	4	
	Non-commissioned Officers and Men, } occupying 4 rooms - - - - -	-	-	22	8	58	18	8	
							213	12	8
	LODGING MONEY:				Per Annum.				
1	Field Officer - - - - -	-	47	-	-	47	-	-	
2	Captains - - - - -	-	31	-	-	62	-	-	
6	Subalterns - - - - -	-	21	-	-	126	-	-	
2	Acting Staff Serjeants - - - - -	-	17	-	-	34	-	-	
1	Officers' Mess - - - - -	-	31	-	-	31	-	-	
							300	-	-
	POSTAGE AND STATIONERY:								
	Commanding Officer - - - - -	-	30	-	-	30	-	-	
2	Officers of Companies - - - - -	-	6	-	-	12	-	-	
							42	-	-
	REPAIR OF ARMS:								
2	Officers of Companies - - - - -	-	47	7	6	94	15	-	
							94	15	-
	CLOTHING:								
6	Serjeants - - - - -	-	3	-	-	18	-	-	
120	Rank and File - - - - -	-	1	13	-	198	-	-	
1	Bugle Major - - - - -	-	3	-	-	3	-	-	
1	Bugler - - - - -	-	1	13	-	1	13	-	
							220	13	-
	TOTAL - - - - -	-	-	-	-	£.	6,520	18	7

Henry Du Vernet,
Lieut.-Colonel Royal Staff Corps.

Correspondence
relative to the
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cation in Canada.

104.—DESPATCH from Lieutenant General Sir *James Kempt* to
the Right Hon. Sir *George Murray*, &c. &c. &c.

Castle of St. Lewis, Quebec,
April 1st, 1830.

SIR,

WITH reference to my Letter, No. 17, of the 12 February 1830, I have now the honour to transmit a Report from Colonel Durnford, Commanding Royal Engineer, (No. 1, page 1,) with the Estimates¹ prepared by the Committee, (No. 2, page 5,) of which he was president, for the formation of the Canals upon the Ottawa, at Carillon (£.72,318. 3. 7½. sterling,) Châte à Blondeau (£.20,785. 5.); for completing the Grenville Canal (£.24,131. 13. 3½.) and for altering its dimensions, when necessary, to correspond with those of the Rideau and of the other Ottawa Canals (£.54,245. 19. 2.) which, with the expenses of the Establishment² of the two Companies of the Royal Staff Corps employed upon that work from 25th June 1829 to 31st December 1832, (£.23,761. 11. 8½.) (No. 2, page 17) form an aggregate amount of £.195,242. 12. 10. sterling. In calling for the Estimates which accompanied my Letter 10, on the 12th February 1829, for the Canals at Carillon and Châte à Blondeau, and for completing that at Grenville, the most particular instructions were given that the utmost care and attention should be bestowed to include in them every expense and contingency which might possibly arise in the formation of the works; and although every disposition evidently existed to attend to those instructions, yet I observe with extreme regret that the present Estimates exceed the former in the sum of £.26,602. 15. 7½.

You will perceive a considerable difference between the amount of the Estimates for the Carillon and Châte à Blondeau Canals, given under the head of "original Estimates," in the Abstract³ (No. 2, page 6) and that of the former Estimates for those works, proceeding from several alterations which it was found necessary to make in the latter, subsequently to their transmission to you.

The Estimates submitted by the Committee are, of course, intended to supersede those you have already approved, and upon which £.32,213. 6. 8. has been appropriated towards the prosecution of the works by the Imperial Parliament, leaving £.163,029. 6. 2. to be provided for.

Of the £.32,213. 6. 8. £.16,800. 11. 10. was expended on the 31st December 1829; and upon the balance, £.15,412. 14. 10. those works have been carried on since that period.

^{See PLAN, No. 1.} You will observe by the Sketch⁴ (No. 3, page 29) and by the Report (No. 1, page 2) that several alterations are suggested by the Committee in the plan of the Carillon Canal; and that the most eligible point of its lower junction with the Ottawa is still undetermined, being dependent upon circumstances, which it will require some time to investigate; and as a project has been proposed (No. 4, page 31) to feed this Canal from the North River (which falls into the Ottawa about five miles below the Carillon Rapid) by which, if found practicable, a considerable Saving would accrue, I have directed that the commencement of that Canal shall be suspended until the feasibility of this scheme shall be ascertained.

The necessary surveys to determine this point are now in progress; and I trust I shall be enabled in a short time to transmit for your consideration a plan and estimate for the work.

^{See page 102.} I am of opinion that it will be advisable to purchase the strip of land, comprising about 360 acres, which lies between the Grenville Canal and the Ottawa,⁵ (No. 2, page 14) if it can be procured upon reasonable terms.

From this measure, the expense of erecting draw-bridges (£.1,500.) the subsequent repairs and attendance upon them, would be saved, and the interruption which they present to the navigation of the Canal avoided.

I have accordingly directed the terms upon which that land may be procured, to be ascertained, and I shall give you an early intimation of the result.

It appears by Lieut. Colonel By's Report to General Mann, dated 31st December 1829, of which a copy was transmitted with my Letters 17, of the 12th February 1830, that the Rideau Canal will be nearly completed in the course of this season; and Colonel Durnford (No. 1, page 3) states that the Canals upon the Ottawa cannot be finished in less than three years. But as the advantages of the Rideau Canal

Canal must remain in a great measure dormant until the Canals on the Ottawa are completed, the expediency of retaining and employing upon them a portion of the Engineer officers and Sappers and Miners now stationed on the Rideau Canal may not be undeserving of consideration.

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cation in Canada.

By these means, and the numerous artificers and labourers who will be deprived of work on the Rideau, I am of opinion, if the necessary funds be supplied, that the completion of the Ottawa Canals, and of the back navigation between the mouth of that river and Kingston, might be materially expedited.

I have, &c.

(signed) *James Kempt.*

No. 105.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Grenville, 8th March 1830.

JUST as the Committee had closed their Report and Estimates, to which my Letter, No. 54, of this date refers, Lieut.-Colonel Du Vernet suggested the possibility of making the North River subservient as a feeder to the Carillon Canal. I have therefore the honour to report, that Lieut. Colonels By and Du Vernet, and myself, immediately repaired thither, and traced it up four or five miles, to observe the nature of its banks, &c. From our observations, it appeared to us that it was of great importance to ascertain whether there was any, and what difference of level between this river and the proposed water level of the Carillon Canal; and an officer of the Royal Staff corps was the next day dispatched to take a level between the two. His report, on the second day of this operation, gave us a difference of about six feet in favour of the North River; and I am therefore sanguine that it may be practicable to obtain a feeder, which will, as far as I can venture to offer an opinion, be the means of materially favouring, if not altering the project of the Carillon Canal, and save considerable expense.

The weather being extremely unfavourable for levelling at the time the officer above alluded to was employed in ascertaining this difference (obliging him to make a considerable detour) he may not be so entirely correct as is desirable; but as I considered it a matter of much consequence, I was induced to traverse the ground repeatedly with Lieut.-Colonel By and Boteler; and I find that before we can properly ascertain the features of the ground and swampy land between the Carillon and the North River, a considerable time must unavoidably elapse; I have therefore given Lieut.-Colonel Du Vernet instructions to make a survey of it, and take such sections as will enable him to report distinctly on the practicability of creating this feeder; and desired him to forward, with as little delay as possible, a Plan and Estimate upon the project, for the further information of His Excellency; and having done so, I thought it unnecessary to remain myself, or detain Lieut. Colonels By and Boteler. Trusting my proceeding thus far will meet with approval, and that His Excellency will be pleased to confirm the same, by issuing his instructions for Lieut.-Colonel Du Vernet to proceed with a regular survey of the Ottawa and North River, from the entrance of the latter below St. Andrews, and up both, to such points as may be considered necessary for this prospect, with a view to ascertain with accuracy their comparative levels, as also to discover if any, and what difficulties may present themselves to the undertaking.

I have, &c.

(signed) *E. W. Durnford*, Col.
Comm^r R^l Engineers, Canada.

No. 106.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Grenville, 8th March 1830.

1.—AGREEABLY to the commands of His Excellency the Commander of the Forces, communicated in your Letter to me, No. 121, of the 28th January last, I caused Lieut.-Colonels By and Boteler of the corps of Royal Engineers, to join Lieut.-Colonel Duvernet and Captain Hall of the Royal Staff corps, as a Committee, of which I assumed the Presidency, and we met at Carillon on the 23d ultimo.

135.

2.—I have

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cation in Canada.

2.—I have now the honour to submit for the consideration of His Excellency, the Reports and Estimates called for, together with a Survey of the proposed lines of the Carillon Canal; viz.

1. Report and Estimate for the formation of the Canal at the Carillon Rapids, as well as for completing the Chûte à Blondeau and Grenville Canals, amounting to the sum of £. 195,242. 12. 10. sterling.

2. Progress Report of the Works carrying on by the Royal Staff Corps, on the Grenville and Chûte à Blondeau Canals, from the 25th April to the 31st December 1829.

3. A Survey of the proposed Lines of the Carillon Canal.

3.—On the Survey is given a diagram of the soundings taken through the ice, which, making reasonable allowance for the water falling still below its present line (although it can scarcely be expected to vary much) have induced the Committee to propose the alteration of the line of the Carillon Canal, from the safer line lately estimated by Lieut.-Colonel Du Vernet, as much with reference to economy as a desire to shorten the period of its execution.

4.—The Committee having endeavoured to make their Report on each Estimate as explanatory as possible, I am induced to hope they will be satisfactory; and I have therefore only to add, that I am of opinion it will be advisable that the alteration of the three locks already constructed at Grenville, and the widening of the Canal where absolutely necessary, should proceed simultaneously with the Carillon; and that yearly grants of money should be sanctioned upon the principle of completing all these Works in three years from such approval, being the shortest period they can be executed in.

I have, &c.

(signed) *E. W. Durnford*, Col.
Com^d Roy^l Engineers, Canada.

No. 107.—TREASURY MINUTE requiring Statement and original Estimates of Works in progress on Canals in *Canada*.

Copy of Treasury Minute of 18th June 1830.

READ Letter from Mr. Hay, dated 14th instant, transmitting copy of a Dispatch from Lieut.-General Sir James Kempt, at Quebec, inclosing Report, &c. relating to the Canals in Canada.

Read also a Letter from Mr. Hay, dated 14th instant, inclosing further Despatches from Sir James Kempt, respecting the progress of the Rideau Canal, and the increase of the Estimate of the Carillon Canal.

Transmit these Papers to the Secretary of the Ordnance, and state to him, That before My Lords come to any decision in regard to the additional Expenditure which appears to be required on these Canals, they request to be furnished with the opinion of the Master General and Board of Ordnance thereon; and they request that in the meantime a Statement may be prepared and transmitted to this Board with the least possible delay, showing the amount of the original Estimate for each of the Works which are the subject of those papers, the amount which has been actually expended upon each, and the amount which remains unexpended; also what have been the subsequent additions to the original Estimate.

No. 108.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 23d June 1830.

AGREEABLY to the desire of the Lords Commissioners of His Majesty's Treasury, as notified in your letter of the 19th instant, I have the honour, by the Board's commands, to transmit herewith a Statement shewing the amount of the original Estimates for the Canals constructing in the Canadas, so far as the documents in this office will afford the information.

No. 109.

I have, &c.

(signed) *R. Byham*.

CANAL COMMUNICATION IN CANADA.

109

No. 109.—STATEMENT, showing the AMOUNT of the ORIGINAL ESTIMATES for the CANALS constructing in the *Canadas*, prepared in compliance with the Board's Minute of the 19th instant, on Mr. *Stewart's* Letter of the same date, as far as the Documents in this Office will afford the information.

NAME.	1. AMOUNT of ESTIMATE.	2. EXPENDED to 31st Dec. 1829.	3. Remains to Complete on Original Estimates.	REMARKS.
£.	£.	£.	£.	
Rideau Canal, according to the Scale ordered by the Committee, of which Sir Jas. Kempt was President.	576,757	350,685	226,072	-- By the correspondence referred from the Treasury by the Board's Minute of 19th June, also by a Report from the commanding Engineer in Canada, dated 24th April, it appears that the Estimate for the Rideau has been increased £.185,921, making a total of £.762,678; but this includes £.53,000 for the purchase of land for Military Works, and the construction of 22 Blockhouses; £.8,000 for forming a Reservoir at By Town towards the defence of the Canal, and also for a Feeder for the Locks; and £.8,230 for 14 Bridges over the Canal, which may be required to be constructed under the Rideau Act; but none of these services (£.69,230) have yet received the sanction of Government, and await future decision.
Grenville Canal - -	134,920	130,720	4,200	-- By Sir James Kempt's despatch of 1st April 1830, referred to this Office with the Board's Minute of the 19th instant, it appears that this Estimate is increased £.57,344, making a total of £.192,264; of which £.54,245 is for widening the Canal where necessary, and for increasing the size of three Locks to correspond with those on the Rideau, not included in the original Estimate. The expenditure of £.130,720 to 31st December 1829, is obtained from Sir James Kempt's despatch before referred to.
Carillon Rapids - -	58,000	- - -	58,000	-- By the same despatch from Sir James Kempt it appears that this Estimate is increased £.14,318, making a total of £.72,318. The work is not yet commenced, but waits the approval of Government.
Chôte à Blondeau -	11,580	- - -	11,580	-- By the same despatch this Estimate is increased £.9,205, making a total of £.20,785. This Work is in progress.
St. Ann's Rapids - -	- - -	- - -	- - -	-- No Estimate yet received. The exact line not yet determined.
Establishment to the end of 1832.	23,761	- - -	- - -	-- By the same despatch from Sir James Kempt it appears that £.23,761 will be required for the Civil Establishment and Pay of the Staff Corps Companies employed on the three last-mentioned Canals, from 31st December 1829 to the end of 1832, the period at present contemplated for their completion, and which expense was not included in the original Estimates.

RECAPITULATION

Correspondence
relative to the
Canal Communi-
cation in Canada.

RECAPITULATION.

	ORIGINAL ESTIMATES.	PRESENT ESTIMATES.	INCREASE on the ORIGINAL ESTIMATES.	Already Voted.	Remains to be Voted for Completion of Present Estimates.
	£.	£.	£.	£.	£.
Rideau - - -	576,757	762,678	185,921	296,666	466,012
Grenville - - -	134,920	192,264	57,344	- - -	163,029
Carillon Rapids - -	58,000	72,318	14,318	- - -	
Chûte à Blondeau -	11,580	20,785	9,205	- - -	
St. Ann's Rapids -	No Estimate yet received, but expense assumed at £. 25,000			- - -	
Establishment - - -	- - -	23,761	23,761	- - -	
TOTAL - - - £.	781,257	1,071,806	290,549	- - -	629,041 *

N.B.—It should be carefully noticed that the sums put down in Column 2. of the Statement do not agree with the votes already made on account of these Works, and consequently those in Column 3. not with the Sums required to be *voted* to complete the Services. These latter are shewn in the Recapitulation; viz. £.466,012 for the Rideau, and £.163,029 for the other Canals, according to the amount of the Estimates now received.

* Including the proposed Vote for 1830.

84, Pall Mall, 21 June 1830.

(signed) Alexander Bryce.

No. 110.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR, Office of Ordnance, 23d June 1830.

REFERRING to your letter, dated 18th September last, relative to the Estimate for the Rideau Canal, I have the honour, by command of the Board of Ordnance, to transmit to you herewith, to be laid before the Lords Commissioners of His Majesty's Treasury, a Copy of a Report from Lieut.-Colonel By on that subject, dated the 30th December 1829, to which is annexed a Minute of the Inspector General of Fortifications, dated the 15th instant.

I have, &c.
(signed) *R. Byham*.

No. 111.—REPORT relative to the Estimate for the Rideau Canal.
Lieut.-Colonel *By* to Colonel *Durnford*, &c. &c. &c.

SIR, Royal Engineer's Office, Rideau Canal,
30th Dec. 1829.

I HAVE the honour of acknowledging the receipt of a copy of a letter, (No. 301,) addressed to me from Colonel Mann, dated 7th October 1829 (received at the Rideau the 27th instant), transmitting copies of a correspondence relative to the reduction of the Rideau Estimate, as recommended by the Committee of which Sir James Kempt was President.

In answer to which I have the honour to state, for the information of his Lordship the Master General, that I have always reported the sum estimated for the Rideau Canal as the probable, not the positive sum; as it was, and still is utterly impossible to state the exact amount that will be required to complete that service; and beg to state, that, from the general knowledge I had of the country, having previously served nine years in Canada, I was so aware of the magnitude of the undertaking, from the manner it was first mentioned to me, that when Major-General Sir J. C. Smyth, in the Royal Engineer Office in Pall Mall, informed me that the sum allowed for the Rideau Canal, with locks on the same scale as the La Chine Canal, was
£.169,000,

£. 169,000, I remonstrated against the smallness of the sum, and stated to him that as the La Chine Canal, situated close to Montreal, only seven miles in length, without any deep cutting, and requiring but seven locks of seven or eight feet lifts, had cost £. 137,000, how could it be imagined that the Rideau Canal, 135 miles long, through an uncleared country, with eighteen or twenty miles of excavation, some of which was rock, and deep cutting, with forty-seven locks to surmount, a difference of level of 455 feet, with a variety of extensive dams and waste weirs necessary to regulate the spring torrents of the Rideau River, which is the outlet of several lakes, could be excavated for the sum he (Sir J. C. Smyth) had stated; and on the 13th August 1826, I reported to General Mann that, from the information I had collected during the time I was waiting at Montreal for my instructions, I found that the Rideau Canal would cost about £. 400,000. This was before I had seen the ground; but when I had examined the whole line of Canal, accompanied by Captain Bolton, Royal Engineers, in 1827, and formed the Estimate of works required, I found that £. 474,899. 1. 2½*d.* was the *least* sum for which these works could be executed. In this Estimate I did not include the expense of the Civil and Military Establishments necessary to carry on such extensive works; wishing to show the actual amount of works indispensably necessary to form the proposed Water Communication from the Ottawa to Kingston, and formed my calculations on very moderate prices.

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cation in Canada.

When the Committee were with me in 1828 this Estimate was re-calculated, and the amount proved to be - - -	£.	s.	d.
To which was added, for Military and Civil Establishments -	474,844	1	2½
For purchase of Mills, &c. - - - - -	61,452	-	3½
For Alterations necessary for the increased size of the Locks	8,500	-	-
	40,845	13	11
Making the Estimate - - - - -	585,641	15	5
Deduct for saving at Jacks Rifts, &c. - -	8,102	-	-
Leaving - - - - -	577,539	15	5
Deduct for difference - - - - -	782	3	2½
	£. 576,757	12	3½

The details of which are herewith annexed, from which it will appear that the saving arising from my proposals to do away with the locks at Billidores and Jacks Rifts, by placing a fourth lock at Kingston Mills, raising the dam at that place, and forming certain embankments to retain the water, so as to convert Cataroque Creek into a fine sheet of water, extending to the high land on each side, and thereby drowning that pernicious swamp, by forming it into a small lake of about 9,400 acres, was deducted, which deduction amounted to £. 8,102. 2., and this alteration was approved of by the Committee; I therefore beg to observe, that until I received copies of the correspondence above alluded to, I had no idea that the Committee had recommended any reduction in the Estimate, and consequently have always calculated on the Estimate given to them, of £. 576,757. 12. 2½.

	£.	s.	d.	
Thus,—	137,200	-	-	× 3
	411,600	-	-	×
1826 -	5,000	-	-	
1827 -	56,000	-	-	
1828 -	105,000	-	-	
Making in all - -	£. 577,600	-	-	
Difference - - -	842	7	9½	
	£. 576,757	12	2½	

As appears by my having reported that £. 137,200 would be required for the years 1829, 1830, 1831.

I further beg to remark, that the Committee, in their Instructions, ordered all just claims to be immediately settled, thereby assuming that I had allowed just claims to remain unpaid; which was not the case, as proved by my answer to the Memorial of
135. Messrs.

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cation in Canada.

Messrs. Mac Martin & Macdonell, sent to his Excellency Sir James Kempt, a copy of which is herewith forwarded for the information of his Lordship the Master General, and the Right Honourable and Honourable Board.

The Committee also recommended that no more work should be undertaken than the allowed sum of £. 105,000 would meet ; yet, notwithstanding this recommendation, no one step has been taken to enable me to comply with the Instructions, as all the contracts formed by the Commissariat Department in February 1828, which embrace nearly all the works on the line of the Canal, still remain in force, and by those contracts the contractors were bound to complete their works in two years from the date of signature. It was therefore out of my power to prevent their commencing their various works ; and at the time the Committee were with me, the contractors were threatening to bring actions against Government to recover damages for the losses they had sustained by the sudden check that had taken place, in consequence of the unexpected limitation of expenditure in March 1828 to £. 41,000.

I therefore reported that the only arrangement I could make with these contractors was, to give them four years to complete their work, which would prolong the works to 1831 ; and I stated that I should require £. 137,200 per annum.

It is necessary here to remark, that although the contractors had no objection to this increase of time being allowed them, they would not bind themselves to be so long about their work, and consequently I have no controul over the expenditure, the contracts being so worded that the contractors can demand payment as their works progress ; and the fatal effects of the lake fever in the summer and autumn of 1828 (which still continues, though in a less alarming degree,) has so increased their expenses that they are all exerting themselves to complete their works next season ; and this is the cause of my disbursements for the present year amounting to £. 211,354. 7. 6½. instead of £. 130,666. 13. 4. as authorized, notwithstanding my efforts to retard the expenditure as much as possible ; and this gives me every reason to suppose that £. 200,000 will be required for 1830. This is on the supposition that the Estimate is ample, and that no failure will take place in any part of the works, which, in such extensive waterworks, is almost improbable ; but from the great success I have hitherto met with in those works, I trust all will succeed, and that I shall have the honour of opening the Steam-Boat Navigation from the Ottawa to Kingston on the 12th of August 1831.

I further beg leave to state, that I complained to the Committee, as I went through the line of Canal with them in 1828, that it was impossible to form a correct Estimate in an uncleared country ; and that it was utterly impossible to state whether invert arches to the various locks would be necessary until the excavations were made. It was also impossible to foresee what difficulties would arise from the water during the construction of the various locks, dams and water-weirs ; and the Committee then agreed with me, that all I could do was to keep the expense of each work separate, so that my Progress Report would show where and from what causes the excess or saving in Estimate arose. To this I have paid strict attention, as, I trust, will appear by referring to my Progress Report herewith annexed.

In reference to the items in Estimate, from which the Committee propose a reduction, viz. in the Masonry of the Locks - £.17,725 6 8

And on the Gates of Locks	-	1,789	-	-
Making	-	-	-	£. 19,514 6 8

I beg to state, that the calculations of the Committee are perfectly correct, and the locks ought to have been estimated according to the mode adopted by them ; but I have estimated the side-walls of the locks at eight feet thick, instead of six feet six inches (as estimated by the Committee), in order to cover the extra masonry required for the foundations of the said walls, and the Committee ought either to have done the same, or to have allowed for the foundations ; whereas they have taken the exact dimensions of the walls independent of foundations ; and I beg to observe, that from the measurement of the work performed, it appears I have not allowed too much for the foundations in the extra substance of the side-walls.

With regard to the reduction of Estimate for the gates, I agreed with the Committee that they were to all appearance too high ; but explained to them, that having

been

been favoured with a sight of the actual cost of the gates of the La Chine Canal, I had formed mine on that data, and beg to observe, that although the sum on Estimate is considerably more than I am paying for actual workmanship and material, yet the contingent expenses of collecting the workmen and materials at the various places, as also the means of hanging such heavy gates, will amount to the sum on Estimate, and therefore no reduction should be made, as proposed by the Committee. And I am of opinion, had the Committee taken into consideration the very moderate prices in the Estimate, and the difficulty of ascertaining precisely the extent of works required in an uncleared country, they would have considered my Estimate, with the usual ten per cent. allowed for contingencies, as far too small, instead of recommending a reduction; but I have the satisfaction to state, that I still believe the works will be completed within a few thousands of the Estimate of £. 576,757. 12. 2½. and within the period of five years, as I first stated: for it was on the 21st September 1826, that I commenced the Rideau Canal, and, as I have already stated, I have every reason to believe it will be finished on the 12th August 1831; and when these extensive works are compared with the sums expended, I am confident that the Rideau Canal will be considered one of the cheapest and most durable works of the kind that has hitherto been constructed.

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cation in Canada.

Since the arrival of Lieut.-Colonel Boteler, he has examined the whole of the works, and agrees with me in opinion, that to do justice to their execution, I should have the assistance of five officers early in the spring, who, with himself, will make six officers, I have already requested.

Trusting that his Lordship the Master General, and Right Honourable and Honourable Board, will excuse my having entered thus fully into the difficulties of ascertaining the precise sum required for the Rideau Canal,

I have, &c.

(signed) *John By,*
Lieut.-Col. Royal Engineers Com^d, Rideau Canal.

I forward this Report from Lieut.-Colonel By, for the Board's information and orders, in reference to their order of 23d February 1829.

By the explanation now afforded, it appears that the reduction of £. 18,000 contemplated by the Committee, of which Sir James Kempt was President, cannot be effected; but that the Estimate prepared by Lieut.-Colonel By, amounting to £. 576,757, will at least be required. And this answer has been calculated upon in the Return recently laid before Parliament, called for by the Board's order of 6th March 1830.

15th June 1830.

(signed) *A. B.*

No. 112.—LETTER from *R. Byham*, Esq. to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 9th July 1830.

1.—ADVERTING to the Statement transmitted by the Board on the 23d ultimo, for the information of the Lords Commissioners of His Majesty's Treasury relative to the Canals in Canada;—

2.—I have the honour, by the Boards' commands, to request you will submit to their Lordships, in further reference to your letter of the 19th ultimo, that it appears the Estimate for the Carillon Rapids has been increased from £. 58,000 to £. 72,318, but that no final opinion or decision can now be given on this Estimate, as a further Report is promised by Sir James Kempt, which holds out the possibility that a less expensive plan may be adopted; and in the meanwhile the commencement of this work appears to be suspended. The Board have therefore only at present to remark on any contemplated alteration of this Canal by aid from the North River, that it may be expedient that the local authorities in Canada should be instructed to ascertain how far it will affect the interest of private individuals, and thus involve the Government in claims arising therefrom.

3.—In regard to the Estimate now transmitted for the Chûte à Blondeau, the amount is £. 20,785, instead of £. 11,580, before reported, being an excess of
135. £. 9,205,

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cation in Canada.

£. 9,205, which is stated to be caused by the rock through which this Canal is entirely cut, proving to be extremely hard and compact, instead of loose horizontal strata, which appeared when the first Estimate was prepared : the Board, therefore, consider this excess unavoidable. This work appears to be in progress by the Staff Corps.

4.—In respect to the Estimate for the Grenville, there is an excess of £. 3,399 beyond the first Estimate for the completion of this Canal, as transmitted by Sir James Kempt in February 1828, which is stated to be in consequence of the prices put down in the first Estimate, which was prepared by Lieut.-Colonel Du Vernet, being far too low. Besides the above, there is now provided, for the first time, £. 54,245 for altering the three locks (already constructed in this Canal on the small scale), so as to correspond with those of the Rideau, and for widening and deepening such part of the Canal as may require alteration ; in regard to which, the Board have only to observe, that this service will be necessary in order to complete the Water Communication on the same scale as the locks on the Rideau. This sum includes £. 1,500 for five bridges to communicate with the land (about 136 acres) belonging to private individuals, lying between the Ottawa and the Grenville ; but this land Sir James Kempt proposes should be purchased to avoid the expense of constructing and repairing these bridges, and a further Report is promised respecting the proposed purchase.

5.—The Estimates also provide £. 23,761 for the establishment and entire expense of the two Staff Corps companies employed on these Canals from the 25th June 1829 (when the companies were transferred to the Ordnance) to the end of 1832, being the period contemplated for the completion of the works, provided the necessary funds can be granted. This expense has hitherto not been provided in the Estimates for these works, but understood to be borne on the Army Extraordinaries, and therefore it may be said to be only a change of account.

6.—In regard to the Rideau Canal, the Board propose to make it the subject of a separate communication to their Lordships, in reference to Reports which have recently been received from the Commanding Royal Engineer in Canada.

I have the honour to be, Sir,

Your most obedient, humble Servant,

R. Byham.

P.S.—The Papers which accompanied your letter, are herewith returned, as requested.

No. 113.—LETTER from Secretary of Ordnance to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 17th August 1830.

ADVERTING to the last paragraph of the Board's communication of the 9th ult. and in further reference to your letter of 19th June last relative to the Canals in Canada ;—

I have the honour, by the Board's commands, to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that they have had before them a Report from Major-General Sir Alexander Bryce, Inspector General of fortifications, accompanied by Statements and other Papers, which have been forwarded by Colonel Durnford, Commanding Royal Engineer in Canada, in explanation of the expenses of the Rideau Canal.

The Board direct me to state, that, on a perusal of the documents adverted to, it appears, that in addition to the expense at present estimated for that Canal (viz. £. 576,757), a further sum of £. 116,686 will be required, of which £. 30,134 is the amount of the excess in the execution of the works already finished ; also £. 2,843, the amount of errors in the original Estimate, and £. 83,714 for additional works, which it is stated were neither contemplated by Lieut.-Colonel By, nor ordered by the Committee, of which Sir James Kempt was President, and consequently are not included in the original Estimate for the Rideau Canal.

With

With reference to these expenses, the Board submit, that an excess of £.30,000 on so large an expenditure already incurred (£.349,000) for work carried on for the greater part through a country hitherto a wilderness, might not unreasonably have been expected; and Lieut.-Colonel By has furnished a detailed Statement, showing upon what particular points of the Canal the excesses have occurred.

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relative to the
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cation in Canada.

In regard to the additional works, which are calculated at £.83,714, the Board consider that it is much to be regretted these services were not foreseen and originally provided for. Colonel Durnford states, that the principal item of expense of these additional works is for waste-weirs at each of the dams, and not of locks, the necessity for which became particularly apparent after the failure of the dam at the "Hog's Back," insomuch, that it is found necessary that they should be adopted on the whole line of the Canal; and it is added, that their beneficial effects have been already satisfactorily proved where executed. The Board have to observe hereon, there can be no doubt that every precaution should be adopted to prevent accidents to the dams, upon which the efficiency of the Canal will so greatly depend; but the Board propose to limit their use to such cases as both Colonel Durnford and Lieut.-Colonel By consider absolutely necessary. These expenses (including the errors of £.2,843 in the original Estimate) will make a total of £.693,448 for the Rideau. Upon none of the heads under which the excesses are here classed, do the Board, from the documents now transmitted, find themselves able to pronounce a positive opinion, whether in all respects the increase is satisfactorily accounted for; but they have directed Colonel Durnford to enter into a minute examination of each particular, and report further to the Board.

The Board direct me to observe, that the work appears to be in rapid progress, and is expected to be completed in August 1831, if the necessary funds are provided; it may therefore be here proper to add, that the sum of £.436,666 has already been voted for the Rideau Canal, including the grant of 1830; and, therefore, according to the present calculation, a further sum of £.256,777 requires still to be voted for its completion. At the same time the Board beg to call their Lordships' attention to the enclosed Extract from Colonel Durnford's letter of 24th April last, wherein he adverts to unforeseen casualties which may occur in the progress of the work, over which the superintending officer may have no control, and therefore observing, "that too much reliance should not be placed even on this present Estimate, which may yet be expected to be exceeded by several thousand pounds."

In addition to the observations submitted respecting the services before-mentioned, the Board have to advert to four others now brought forward for the first time; viz.

22 Block-houses	-	-	-	-	-	£. 33,000
Land for ditto, and Defences	-	-	-	-	-	20,000
Reservoir at By Town	-	-	-	-	-	8,000
15 Bridges over the Canal	-	-	-	-	-	8,230
						<hr/>
						£.69,230
						<hr/>

These services do not appear to be commenced, but wait the orders of Government; of these a certain number of the bridges *must*, by the provisions of the Rideau Act, be constructed; but the Board are unable to ascertain the number, which cannot be avoided, and have called for further information. With regard to the other services, though they do not seem to be absolutely necessary for the navigation of the Rideau, yet the Board understand that they are so nearly connected with the Canal, that the possibility of their being ultimately found advisable should not be lost sight of. The Board have at the same time to observe, that the block houses, if constructed now, are intended also to lodge some of the lock-masters, and, in this case, the houses provided for them in the original Estimate, need not be constructed; that the purchase of the land is altogether a part of the expense attending the defences; that the proposed reservoir is partly for the Canal and partly for its defences, it being intended to feed the first eight locks, and also to serve as a wet ditch for the defence of the entrance of the Canal. With reference to these

services,

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services, the Board coincide in the recommendation which has been submitted by the Inspector General of Fortifications, that they should be deferred until the Canal is completed, and until the general question of the works required for its defence can be considered and finally approved, with the exception of such only of the proposed bridges as, by the Rideau Act, Government is bound to construct; and that, therefore, the lock-masters' houses, and a small reservoir to feed the first eight locks, which is provided in the original Estimate, should be constructed.

I have the honour to be, Sir,

Your most obedient humble Servant,

G. Butler,
(for the Secretary).

No. 114. — EXTRACT of a Letter from Colonel *Durnford*, Commanding Royal Engineer in Canada, addressed to Colonel *Mann*, of the Royal Engineers; dated Quebec, 24th April 1830.

—IT is but mere justice to Lieut.-Colonel By to observe, that in water-works of such magnitude and variety, the usual allowance for contingencies appears to be inadequate, and that casualties may yet be expected, over which he can have no control; one of which, sickness, has already been a serious obstruction, and consequent cause of increase of expense, having rendered it necessary to prosecute excavations to a great extent, both of earth and rock, during the winter; so that too much reliance should not be placed even on this present heavy Estimate, which may yet be expected to be exceeded by several thousand pounds; but, should this happen, General Mann may rely on it not being attributable either to Lieut.-Colonel By, his officers or contractors, of whose unremitted assiduity and perseverance I cannot speak too highly; and, as I have before reported, the whole of the works appear to be executing in the most substantial manner.

No. 115.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 18th August 1830.

WITH reference to my letter of the 14th June last, transmitting a despatch from Lieut.-General Sir James Kempt, on the subject of the Expense which it would be necessary to incur for the formation of the Canals upon the Ottawa, in completing the Grenville Canal, and for altering its dimensions, when necessary, to correspond with those of the Rideau and of the other Ottawa Canals; I am now directed by Secretary Sir George Murray to transmit to you the copy of despatch from Sir James Kempt, by which it appears that the plan of feeding the Carillon Canal from the North River has been ascertained, and that a saving will accrue from this alteration to the amount of £.26,854. 3. 3 $\frac{1}{4}$. sterling; and I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships, that, under the circumstances stated in the latter part of Sir James Kempt's despatch, Sir George Murray is of opinion that he has exercised a sound discretion in directing that the works of the Carillon Canal should be prosecuted with all possible vigor to the amount of £.38,412. 14. 10.

I am, &c.

(signed) *R. W. Hay.*

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relative to the
Canal Communi-
cation in Canada.

No. 116.—DESPATCH from Lieut.-General Sir *James Kempt* to the
Right Hon. Sir *George Murray*, &c. &c. &c.

Castle of St. Lewis, Quebec,
8 June 1830.

SIR,

WITH reference to the Letter (33) which I had the honour to address to you on the 1st April 1830, I have now the satisfaction to acquaint you, that the practicability of the scheme for feeding the Carillon Canal from the North River has been ascertained; and you will perceive by the enclosed Plan, Report and Estimate, that a Saving will accrue from this alteration, to the amount of £.26,854. 3s. 3½d. sterling.

You are already aware that on the 31st December 1829 there was an unexpected Balance of the sum appropriated by Parliament for the Canals upon the Ottawa for the past year (£.32,213. 6. 8.) amounting to £.15,412. 14. 10.; and as it appears by a communication from the Inspector General of Fortifications to the commanding Royal Engineer in Canada, that the Lords Commissioners of the Treasury propose to submit to Parliament an appropriation of £. 23,000. towards the progress of those Canals for the current year, I have directed that it shall be prosecuted with all possible vigour, to the amount of the aggregate of those two sums (£.38,412. 14. 10.)

PLAN, No. 2 & 3.

I have, &c.

(signed) *James Kempt*.

No. 117.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

Royal Engineers' Office, Quebec,
29th May 1830.

SIR,

WITH reference to your Letter, No. 29, for the 19th March last, and the correspondence on the subject; I have now the honour to forward, for the information of His Excellency the Commander of the Forces, Lieut. Colonel Du Vernet's Plan, Report and Estimate of the Carillon Canal, as connected with the proposed Feeder from the North River; and as the project appears to me to be perfectly feasible, and will be attended with a considerable saving, I beg to recommend the prosecution of the work on the said plan; and have therefore to request His Excellency's instructions, whether Lieut. Colonel Du Vernet shall use his utmost endeavours, by every method he can devise, to complete the same by the end of the next or following season; and whether a supply of money correspondent with the progress of the work will be available. I think it my duty to request specific instructions on the above points, as there is at present a limitation to the expenditure of only £.23,000. for the present year towards the prosecution of all the works on the Ottawa under the superintendence of the Royal Staff Corps.

I have, &c.

(signed) *E. W. Durnford*,
Colonel Commanding Royal Engineers.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 118.—REPORT and ESTIMATE of the probable Expense of construct-
ing a Canal to turn the *Carillon* Rapids, as connected with a Feeder from
the *North* River, to be completed in two years from the commencement;
amounting to £. 45,464. 0. 4. sterling.

PLAN, No. 2 & 3. HAVING ascertained that the North River, which flows through the wild lands
on the north side of the Ottawa, and falls into it below the village of St. Andrew's,
was on a higher level, and approached so near in one situation as to be available
as a Feeder for the proposed Carillon Canal; after a careful examination of the
ground, it is considered the line laid down on the accompanying Plan is the nearest
and best, the distance being only 1,150 yards, and without any cutting through
high ground.

By the construction of two Dams on the North River, in the situations marked, of
nine feet in height, a depth of four feet in water, with the trifling excavation shown
by the Section, may be obtained at all times, and may be used as a Canal for Bat-
teaux, for the conveyance of produce from the Back Settlements, if required, as it is
proposed making it 12 feet wide at the bottom, with slopes of 45 degrees; a Sluice
being placed at the end near the Canal, the walls will serve as the piers for the bridge
for the high road, which it will be necessary to make along the ridge.

By constructing a Dam 10 feet high across the lower end of the valley, from the
lowest part of the ridge to a projecting bank, in a diagonal direction, and cutting
six feet and a half deep below what is considered the highest rise of the Ottawa at
the upper entrance of the Canal, the same level may be continued throughout, and
strong banks be formed by cutting through the bank, as expressed on the Plan, and
forming the valley into a Bason. A lock will be necessary at the upper entrance,
21½ feet high, to admit of boats entering it at the lowest water, and to be above the
influence of the highest. At the lower end a double lock of 10½ feet lifts the
coping of the upper of an equal height with the first, and that of the lower 15½
feet above what is considered low water at the foot of the rapid. Near the dam it is
proposed making a Waste Weir over the rocky bank, to carry off the superfluous water
into the Ottawa over the cliff. According to this project, the great expense of cutting
through rock, which was necessary in the former Plan, will be saved, and a reduc-
tion made from £. 72,318. 3. 7½. to £. 45,464. 0. 4. in the construction of the Canal,
which will not only be wider, but will be capable of being navigated by boats draw-
ing seven feet of water, if required, and may be completed a year sooner.

Chatham, }
16th May 1830. }

(signed) Henry Du Vernet,
L' Col' Roy' Staff Corps.

E S T I M A T E :

PORTIONS OF WORK, AND DETAIL.	Sterling Amount of each Item.	Sterling Amount of each Portion.
	£. s. d.	£. s. d.
DAM across the North River below the entrance of the } proposed Feeder, in length 200 feet - - - }	475 - -	
Dam across the Channel round Isle aux Châts, of a } similar description, in length 150 feet - - - }	356 5 -	
Clearing on the site of the Feeder 8 acres, at per acre, £.4	32 - -	
Excavation of 10,575 cubic yards of earth and rock, } including the removal of stumps and boulders, at	793 2 6	
per cubic yard, 1 s. 6d. - - - - - }	320 12 -	
Bridge for High Road, and Sluice - - - - -		
Making Total for Feeder - - - - -	- - -	1,976 19 6
Excavation of 114,095 cubic yards in formation of Canal, } nearly equal portions of earth and rock, including the	14,261 17 6	14,261 17 6
removal of numerous boulders, at per cubic yard, 2s. 6d. }		
Excavation for N° 1, Lock, Pit, and upper Entrance from } River Ottawa, 7,058 cubic yards, at 5s. - - - }	1,764 10 -	

CANAL COMMUNICATION IN CANADA.

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PORTIONS OF WORK, AND DETAIL.	Sterling Amount of each Item.	Sterling Amount of each Portion.	Correspondence relative to the Canal Communi- cation in Canada.
	£. s. d.	£. s. d.	
Excavation for N° 2, Lock, Pit, in rock, 3,708 cubic yards, at 5s. - - - - -	927 - -		
Excavation for N° 3, Lock, Pit, in rock and water, 5,032 cubic yards, at 6s. - - - - -	1,509 12 -		
Making for Excavation, Total - - -	- - -	4,201 2 -	
Dam across Valley, 450 feet long, 10 feet high - -	825 6 -		
Waste Weir - - - - -	163 7 6	825 6 -	
		163 7 6	
Grubbing in Valley, 8 acres, at per acre, £. 10 - -	80 - -	80 - -	
Dry Masonry in Pier or Breakwater at the proposed Lower Entrance to Canal, 611 toises, at £. 1 - -	611 - -	1,411 - -	
Wheeling of Excavation to fill in behind Pier, extra -	800 - -		
Excavation through rock in bed of River, in clearing lower Entrance, 1,166 cubic yards, at 6s. 6d. - -	378 19 -	378 19 -	
Two Coffor Dams, and Machinery for pumping - -	600 - -	600 - -	
Lock at upper Entrance, as per former Estimate - -	5,641 7 -		
Two Locks at lower Entrance - - - - -	10,988 9 4	16,629 16 4	
Two Lock Houses, as per former Estimate - - -	299 17 4	299 17 4	
New Road - - - - -	433 6 8	433 6 8	
Fencing - - - - -	69 6 8	69 6 8	
		41,330 18 6	
Contingencies, to - - -	- - -	4,133 1 10	
TOTAL Amount Sterling - - -	- - £.	45,464 - 4	

Royal Engineer Office, Quebec,
29th May 1830.

(signed) Henry Du Vernet,
Lieut. Col. Royal Staff Corps.

(signed) E. W. Durnford,
Colonel Commanding Royal Engineers, Canada.

No. 119.—LETTER from *R. W. Hay*, Esq. to the Hon. *J. K. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 13 Sept. 1830.

I AM directed by Secretary Sir George Murray to transmit to you herewith,
for the information of The Lords Commissioners of the Treasury, a copy of a Dis-
patch which has been received from Lieut.-General Sir James Kempt, enclosing an
Abstract Report of the Expenditure on the Rideau Canal, up to the 30 June last.

I am, &c.

(signed) R. W. Hay.

20 July.

No. 120.—DESPATCH from Lieut.-General Sir *James Kempt*, to the
Right Hon. Sir *George Murray*, &c. &c. &c.

SIR,

Castle of St. Lewis, Quebec,
20th July 1830.

HAVING received from the commanding Royal Engineer in Canada the en-
closed abridged Abstract Report of the Expenditure on the Rideau Canal to the
30th ult. amounting to £.441,183. 7. 8 $\frac{1}{2}$. I do myself the honour of herewith
transmitting it to you, for your information.

I have the honour, &c.

(signed) James Kempt.

No. 121.—ABSTRACT REPORT of the WORKS on the Line of the Rideau Canal,

S E C T I O N S.	ESTIMATE handed to Committee.			EXPENDED.	Probable A M O U N T of Works when completed, supposed to be on 12th August 1831.			EXCESS.		
	£.	s.	d.		£.	s.	d.	£.	s.	d.
Entrance Valley, and first Eight Locks	68,413	11	4	58,684	12	1	69,831	18	8	$\frac{1}{4}$
First Eight Locks to Hog's Back -	43,372	17	9	74,011	-	11	$\frac{1}{4}$	{ 15,299 15 11		
Hog's Back to Capt. Wilson's Still Water	30,658	-	3							
								{ 3,084 6 -		
Black Rapids - - - - -	10,613	12	5	13,041	6	7	13,875	11	6	3,243 19 1
Long Island Still Water - - -	22,504	2	6	29,298	8	1	36,305	18	3	$\frac{1}{4}$ 13,801 15 9 $\frac{1}{4}$
Burrett's Rapids - - - - -	11,249	9	5	7,965	8	7	$\frac{1}{4}$ 12,546	9	10	$\frac{1}{2}$ 1,297 - 5 $\frac{1}{2}$
Nicholson's Rapids - - - - -	10,725	9	4	$\frac{1}{4}$ 8,757	15	1	14,664	13	5	$\frac{1}{4}$ 3,939 4 - $\frac{1}{2}$
Clow's Quarry - - - - -	9,865	-	4	$\frac{1}{2}$ 11,060	14	9	$\frac{1}{4}$ 11,061	14	1	$\frac{1}{2}$ 1,196 13 9
Merrick's Mills - - - - -	17,906	10	9	16,195	1	9	$\frac{1}{2}$ 21,278	6	4	3,371 15 7 $\frac{1}{2}$
Maitland's Rapids - - - - -	5,776	5	7	9,034	-	8	$\frac{1}{2}$ 10,227	18	7	$\frac{1}{4}$ 4,451 13 - $\frac{1}{4}$
Edmonds' Rapids, including Phillips' Bay - - - - -	14,182	6	3	5,068	10	-	$\frac{1}{2}$ 11,972	12	7	$\frac{1}{2}$ - - -
Old Sly's Rapids - - - - -	12,248	18	10	$\frac{1}{2}$ 12,132	12	5	$\frac{1}{2}$ 17,846	4	5	5,597 5 6 $\frac{1}{2}$
Smith's Falls - - - - -	20,408	10	5	$\frac{1}{4}$ 16,597	1	10	$\frac{1}{4}$ 33,504	4	7	13,095 14 1 $\frac{1}{4}$
First Rapids - - - - -	10,718	1	10	$\frac{1}{2}$ 5,169	9	10	$\frac{1}{4}$ 18,571	1	5	$\frac{1}{2}$ 7,852 19 7
Oliver's Ferry - - - - -	100	-	-	-	-	-	-	-	-	-
Narrows, Rideau Lake - - -	409	10	-	589	15	3	5,427	1	10	5,017 11 10
Isthmus, Rideau Lake, and Strait between Mud and Clear Lakes - }	13,639	3	-	15,428	18	2	$\frac{1}{4}$ 27,077	17	2	$\frac{1}{2}$ 13,438 14 2 $\frac{1}{2}$
Chaffey's Mills, and small Isthmus, Indian Lake - - - - - }	20,799	16	2	$\frac{1}{2}$ 6,171	12	9	$\frac{1}{2}$ 14,553	18	9	$\frac{1}{4}$ - - -
Davis' Rapids - - - - -	8,988	9	9	$\frac{1}{2}$ 3,910	19	1	$\frac{1}{4}$ 8,487	3	3	- - -
Jones' Falls - - - - -	39,136	10	3	$\frac{1}{2}$ 32,438	12	3	54,301	8	1	$\frac{1}{2}$ 15,164 17 10
Cranberry Marsh and White Fish Falls	1,384	-	-	1,032	10	10	$\frac{1}{4}$ 1,671	8	4	$\frac{1}{2}$ 287 8 4 $\frac{1}{2}$
Brewer's Upper Mill and Round Tail -	17,219	16	-	$\frac{1}{2}$ 6,150	17	6	$\frac{1}{4}$ 16,908	4	8	- - -
Brewer's Lower Mill - - - - -	11,262	19	11	$\frac{1}{2}$ 2,240	13	2	$\frac{1}{4}$ 10,612	16	11	- - -
Kingston's Mills, including Tack Rifts and Billidore's Rifts - - - }	49,382	7	5	27,768	7	10	$\frac{1}{4}$ 52,274	12	4	$\frac{1}{2}$ 2,892 4 11 $\frac{1}{2}$
Civil and Military Establishments, Barrack, &c. and General Contingencies }	128,635	5	8	$\frac{1}{4}$ 78,434	17	7	$\frac{3}{4}$ 138,050	16	4	$\frac{1}{2}$ 9,415 10 8 $\frac{1}{4}$
£.	579,600	15	7	$\frac{3}{4}$ 441,183	7	8	$\frac{1}{4}$ 693,449	11	10	$\frac{1}{4}$ 123,866 18 2 $\frac{1}{4}$

TOTAL AMOUNT Expended on the Rideau Service - -

CANAL COMMUNICATION IN CANADA.

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showing Amount of original Estimate, Sums Expended, and Amount when completed.

Probable Time of Completion.	REMARKS.
October - 1830	{ In consequence of the foundation turning out bad, constructing of drain, &c. See Report, 31st December 1829.
October - 1830	{ In consequence of extra masonry required to the breastwork, from bad foundation constructing waste weirs, &c.
- - -	{ This excess includes the masonry required to the breastworks of the lock at Hartwells, in consequence of the nature of the foundation; the waste weir at Hartwells, and the guard lock which it was deemed expedient to place at the Hog's Back. Vide Details.
September 1830	{ In consequence of increased height of dams, consequent increase of the volumes waste weirs to carry flood waters off, bad foundations, &c. &c.; pitching bottom of river with boulders; extra rock excavation for side walls, retaining walls for puddle. For further particulars, see detailed Reports, 31st December 1829.
October - 1830	{ In consequence of increased embankment, for security from proximity to river; constructing waste weir, extra excavations. Vide Details.
November 1830	{ In consequence of dividing the lift, increased height of dam, construction of waste weir to prevent valuable land being drowned.
November 1830	{ In consequence of injury the dam sustained from flood, 1828, removal of old material, construction of waste weir.
August - 1830	{ In consequence of deviation from original line in Timber Snie, extra grubbing, detached lock, extra sills, basin walls, deepening river, &c. &c.
November 1830	{ In consequence of extra pumping, extra rock excavations, &c. &c.; as also dry stone walling found requisite.
September 1830	{ £. 2,209. 13. 7½. saving, in consequence of doing away with works at Phillips Bay, and putting whole lift on Edmonds. Vide Detail, 31st December.
July - - 1831	{ Extra clearing, extra rock excavations, straitening entrance, lining side of lock next river with ashlar, increased dimensions of dam, constructing a waste weir, &c.
November 1830	{ From impracticability of raising water to intended height, construction of detached lock, extra rock excavation.
August - 1831	{ In consequence of extra clearing of land for free circulation of air, increased width of excavation in consequence of impracticability of raising water so high as intended by Smith's Falls Dam, thereby incurring more excavation.
August - 1831	{ £. 100. saving.
August - 1831	{ To save expense of a rock excavation at Isthmus; to have a head of water in reserve in Upper Rideau Lake, to scour muddy bottom below Narrows, &c. &c.
September 1830	{ In consequence of much greater proportion of excavation turning out rock, than could at first be ascertained, from want of boring rods; as also by construction of lock at this place, deemed advisable to save such expensive rock excavation.
July - - 1830	{ £. 6,245. 17. 5¼. saving { In consequence of throwing more water back by dam at Davis's Mills, saving rock excavation, doing away with guard lock, &c. &c.
November 1830	{ £. 501. 6. 6½. saving { In consequence of substituting a mound of rubbish, retaining walls and puddle in place of arch key'd work, there being no material at hand fit for such works.
August - 1831	{ In consequence of avoiding most difficult lock excavation, bad foundation of river lock, angling lock to suit line of navigation down the marsh, as also extra height of dam, construction of waste weir.
July - - 1831	{ In consequence of its being found advisable to cut stumps two feet lower, securing White Fish dam, and for carriage of limestone, &c. for works at Jones Falls.
July - - 1831	{ £. 311. 1. 4. saving.
November 1830	{ £. 650. 3. -½. saving.
August - 1831	{ In consequence of increased height of dam to save sickness and excavation; construction waste weir, &c.
August - 1831	{ Erecting barracks, stores, slaughter-house; drawing water; travelling expenses, canoes, solicitors' fees; purchase of land, and damages; constructing of stone bridge, forming roads through the woods, &c. &c.
Amount of Additional Works - - - £. 123,866 18 2½	
Ditto - Savings - - - - - 10,018 2 -¼	
Real Excess on Estimate given to Committee - £. 113,848 16 2½	

- - from 21st September 1826 to the 30th June 1830 - - £. 441,183. 7. 8¼. Sterling.

(signed)

John By,

Lt. Col. Roy^l Engineers Commanding, Rideau Canal.

Correspondence
relative to the
Canal Communi-
cation in Canada.

No. 122.—LETTER from Lieut.-Colonel *By* to Colonel *Durnford*,
&c. &c. &c.

Royal Engineer Office, Rideau Canal,
15th March 1830.

SIR,

I HAVE the honour of transmitting the Progress Report of Works, detailing my disbursements from the commencement of the Rideau Canal, on the 21st September 1826 to the 31st December 1829, from which it appears that £. 349,264. 13. 2. has been expended, and that sum reported; but, on re-examining the accounts, the sum appears to be £. 350,685. 12. 1½.

I have also the honour of transmitting Plans and Sections of some of the principal Works; also Plans showing the lands taken for the use of the Canal, and those that are supposed will be required for the military defence of the same; as also my letter to General Mann, stating the probable expense of erecting block-houses and bridges, and the purchase of land for the military defence of the Canal, amounting together to £. 69,230, which, added to the sum of £. 342,763. 19. 9. required to complete the Canal, as appears by the accompanying detailed Report (errors excepted), makes the total sum required £. 411,993. 19. 9. And I solicit your explaining to his Excellency Sir James Kempt, when you lay the Report and Plans before him, that although £. 411,993. 19. 9. is still required to complete the various services connected with the Rideau Canal, yet

The Estimate of	£. 576,757	12	2½
Errors detected	-	2,843	3 5¼
		£. 579,600	15 7¼

given to the Committee in June 1828, will only be exceeded by £. 30,134. 8. 9½. which is a trifling sum, when compared with the magnitude of the works, and the uncertain value of workmanship and materials at the time the Estimate was formed: the remainder of the sum required, amounting to £. 83,714, is for works not provided for in the Estimate, nor could they have been foreseen at the time of forming the Estimate, they having been found, by experience, as the works progressed, indispensably necessary, as explained in the Report.

To avoid the continuance of the expense of the Civil and Military Establishments I have recommended that the whole of these works be carried on at the same time; therefore, if this is approved of, and his Excellency recommends the purchase of the lands, there will, in all probability, be required for this year £. 200,000, and for the year 1831, £. 211,993. 19. 9., as appears by the detailed Report, and my letter to General Mann of this day's date.

I further beg to observe, that about forty other Plans and Sections are required to show all the works in progress, but fear the works will be completed before I shall have it in my power to furnish you with a complete set to lay before his Excellency, as the superintendence of the various works fully occupies myself and officers.

I have, &c,

(signed) *John By*,
Lt Col^l R^l Eng^a Commanding, Rideau Canal.

No. 123.—LETTER from Lieut.-Colonel *By* to General *Mann*,
&c. &c. &c.

SIR,

Royal Engineers' Office, Rideau Canal,
15th March 1830.

I HAVE the honour to transmit, for the information of his Lordship the Master General and Board, the Progress Report of Works on the Rideau Canal, from their commencement on the 21st September 1826 to the 31st December 1829, from which it appears that £. 349,264. 13. 2. has been expended; but, on examining the accounts, the sum appears £. 350,685. 12. 1½.

I have also the honour of transmitting Plans, showing the quantity of land taken for that service, distinguishing the quantity that will in all probability be required for the military defence of the said works; also a Plan showing the crown and clergy

clergy reserves in the vicinity of the Rideau Canal; and have coloured those lots pink which I am respectfully of opinion should be held by Government, and leased at moderate rents to the emigrants. As these lots have been recently offered to me by one of the agents of the Canada Land Company at four dollars per acre, saying his instructions were to charge six dollars per acre to any other person, consequently this monopoly is keeping that part of the country which ought to be immediately settled, in a state of wilderness; and, as it appears, from the accompanying affidavits, as also from Dr. J. Dunlop's letter herewith enclosed, that these lots are of comparatively little value, I have no doubt but Government could obtain them on moderate terms.

Correspondence
relative to the
Canal Communi-
cation in Canada.

The Report and Plans of the works should have been sent with my letter of the 31st December 1829, but were unavoidably delayed in consequence of my not being able to collect some of the measurements and plans, owing to the impassable state of the roads, which continued until the 12th January, when I visited each work, and found the contractors making every arrangement to enable them to carry on the works with rapidity.

I have marked on the accompanying Plans the places where I recommend the erection of block-houses similar to the enclosed Plan, as they would answer as dwellings for the lock-masters, and men required to attend the locks and to clear away drift timber, &c., which, as the settlement of the country on the line of Canal has already commenced, will require great attention for some years, it being impossible to prevent the settlers from throwing trees into the river, that being the cheapest mode of getting rid of those growing on the banks. The lower part of these block-houses I propose building with stone, there being a sufficient quantity remaining at each station from the rock excavation to enable that part to be built of masonry, with walls four feet thick, at the same price as timber. These walls would support strong flooring beams, with a layer of masonry, to render the lower stories fire-proof and nearly bomb-proof, as shown by the Section. The roofs and timber-work I propose covering with tin, which will render these buildings very durable and difficult to destroy by fire, as tin remains free from rust in this climate upwards of sixty years. I am therefore most respectfully of opinion, that these block-houses would tend much to the general strength of that part of the country, and recommend the forming a square redoubt round each, which would add much to their formidable appearance, and serve as mustering-places for the militia of the surrounding country.

Taking the twenty-two stations where I have proposed these works, one with another, I estimate each block-house and redoubt (the latter to be formed of the excavations necessary to sink the lower story) at £.1,500 each, consequently £. 33,000 will be required for that service, and shall delay building the lock-masters' houses until I am favoured with instructions from the Honourable Board on this subject. These block-houses are proposed on a large scale, that they may serve as secure depôts in time of war for provisions, ammunition and small arms, for the militia, as large villages are forming at every station where there are locks building. The magazine, in one corner of the ground-floor of the block-house, will contain 264 barrels of gunpowder, leaving an air passage round the walls; and the remainder of the said floor will form an excellent provision store for 600 barrels; the two upper floors would form a barrack for 150 men, but the building could be defended by twenty. The crest of the glacis I do not propose forming into a covert way until time of war, as earth works are difficult to keep in repair in this climate. The ports are proposed to be made five feet high by four feet wide, that they may be used as doors or windows until required as ports, when I recommend their being reduced to the proper size, by lining them with raw hides well salted and rolled tight, and jammed in whilst moist, which is an excellent mode of protecting the ports from being damaged by the discharge of their own guns.

The Progress Report and Plans show the works as they are now completing; and although it will be seen, by examining the Plans, that many alterations have been made from the original design, formed when the country was covered with forest, and consequently the best positions for the works could not at that moment be seen, yet I have no doubt the whole will be finished in August 1831: and I beg to state, notwithstanding the excavations are carrying on at the lower lock at Kingston Mills, also the deepening and clearing Cataroque Creek, and cutting through the Isthmus between Mud and Rideau Lakes during the winter, which,

Correspondence
relative to the
Canal Communi-
cation in Canada.

owing to the intense frost, adds considerably to the expense, yet such is the dreadfully offensive smell arising from the decayed vegetable matter in these excavations, that I am apprehensive of the breaking out of the fever afresh, and have, as a matter of necessity, to lessen these expensive excavations, ordered the dam and locks at Kingston Mills to be raised, which lessens the excavations in Cataroque Creek : I have also increased the height of the dam and lock at Davis's Mill, to lessen the excavation necessary to form a good entrance into the lock at Chaffies ; and I have ordered a lock at the Isthmus, between Mud and Rideau Lakes ; these two latter works enable me to raise the Upper Rideau Lake four feet above the proposed summit level, and do away with the necessity of taking out the lower four feet of the cut across the Isthmus, which is about a mile and a half long. This is a great point gained ; for such are the dreadful effects of the lake fever, that it is impossible to calculate the expense that would otherwise have been incurred in removing this four feet ; and I trust that these alterations will be the means of great saving both in life and money.

* Which should be
£.579,600. 15. 7 ³/₄.

With reference to my letter of 31st December 1829, I beg to observe, that I omitted, in my statement of the sums required to complete the works, the expense of those not provided for on Estimate amounting to £.113,848. 16. 2 ¹/₂., which, when added to the Estimate, of £.576,757. 12. 2 ¹/₂.* given to the Committee, of which his Excellency Sir James Kempt was President, in June 1828, will make the sum of £. 693,449. 11. 10 ¹/₄., as appears by the accompanying Report. At the same time I beg to be clearly understood, that these sums do not include the expense of building the proposed block-houses, or the purchase of the land necessary for the military defence of the Rideau Canal, or the forming the reservoir to supply the first eight locks, which is also intended to serve as a wet ditch to strengthen the position of the proposed works for the defence of the entrance of the Canal, and to prevent the erection of any building on the land that will be required for a glacis : the Provincial Act authorizes this land being taken for a reservoir ; but if it had been taken for the military defence of the Canal, Mr. Sparks, the proprietor, informed me, he should ask £.10,000 for the eighty-eight acres I have taken for the said reservoir, which in fact, being chiefly swamp, is worth very little. I therefore respectfully recommend, to prevent future litigation, that £.6,000 should be spent in forming this reservoir, and that £. 2,000 should be spent in carrying the earth to the spot where the ramparts of the said works will ultimately have to be placed, as this position is one of the strongest in Upper Canada : neither is included the expense of erecting bridges, which the Provincial Act for the Rideau Canal provides shall be erected wherever the Canal crosses a public road ; and as the Canal is causing the country to settle rapidly, notwithstanding the high price charged by the Canada Land Company, as already noticed, the number of bridges required will in all probability increase yearly, until every concession road is supplied ; but as the traffick on the Canal will be augmented by the number of roads leading to it, the expense of these bridges will soon be repaid. At present I suppose I shall be called upon to erect thirteen, and estimate them as follows,—

One at Notch of the Mountain	-	-	-	-	-	-	£.
— Hog's Back	-	-	-	-	-	-	300
— Long Island	-	-	-	-	-	-	300
— Burritt's Rapids	-	-	-	-	-	-	400
— Nicholson's Rapids	-	-	-	-	-	-	430
— Merrick's Mills	-	-	-	-	-	-	400
— Maitland's	-	-	-	-	-	-	400
— Edmond's Rapids	-	-	-	-	-	-	400
— Old Sly's	-	-	-	-	-	-	400
— Smith's Falls	-	-	-	-	-	-	500
— Isthmus Rideau Lake	-	-	-	-	-	-	300
— Narrows Rideau Lake	-	-	-	-	-	-	400
— Chaffies Mills	-	-	-	-	-	-	300
— Cataroque Creek	-	-	-	-	-	-	300
— Kingston Mill, where the Canal crosses the road leading to Montreal ; at this place a stone bridge is proposed, which, with its approaches, will cost	-	-	-	-	-	-	3,000
						£.	8,230

Therefore, speaking in round numbers, if the twenty-two	£.	Correspondence relative to the Canal Communi- cation in Canada.
Block-houses are ordered to be built, there will be	33,000	
required for that service - - - - -	-	
For the purchase of Land required for Military Works -	20,000	
Forming the Reservoir, and removing the earth -	8,000	
Building fourteen wooden Bridges, and one of stone -	8,230	
	£. 69,230	

I further beg to observe, that the whole of these works should be carried on simultaneously with the Rideau Canal, and be completed within the same period ; so that the present establishment may be discharged at the close of the Canal works. And should the above-mentioned works be approved, there will be required £.200,000 for the present year, and £.211,993. 19. 9. for the year 1831 ; and I beg to remark, that, with my present strength of officers, I fear the works will be completed before I have it in my power to lay before the Honourable Board a complete set of Plans of all the works of the Rideau Canal.

I have, &c.
(signed) John By,
Lieut.-Colonel Royl Eng^{rs} Com^{rs}, Rideau Canal.

N. B.—I beg to apologize for the slovenly state in which, to save time, I am obliged to send my Progress Report ; and have to observe, that it has been occasioned by the temporary insanity of my first clerk, Mr. H. H. Burgess, and the ill state of health to which the lake fever has reduced many of my other clerks and overseers ; but, that the Report may be clearly understood, I have enclosed a Section, showing the lifts of each work, with the sum estimated, that expended, and that required to complete the same ; from which it will appear the statement stands thus :—

Amount of Estimate given to Committee, with correction	£.	s.	d.
of £. 2,843. 3. 5 ½ - - - - -	579,600	15	7 ½
Amount of Works not provided for on Estimate - - -	113,848	16	2 ½
Estimate of Bridges, Block-houses, &c. &c. - - - -	69,230	-	-
	762,679	11	10 ½
Expended 31st December 1829 - - - - -	350,685	12	1 ½
	£. 411,993	19	9
Required for 1830 - - - - - £. 200,000 - -			
— 1831 - - - - - 211,993 19 9			
	411,993	19	9

(signed) John By,
Lieut.-Colonel Royal Eng^{rs} Com^{rs}, Rideau Canal.

Amount of Estimate - - - - -	£.	s.	d.
	579,600	15	7 ½
Excess on ditto - - - - -	113,848	16	2 ½
Amount of Works, which could not be foreseen - -	83,714	7	5 ½
Excess on Estimate given to the Committee - - -	£. 30,134	8	9

(signed) John By.

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No. 124.—LETTER from Colonel *Durnford* to Lieut.-Colonel *Couper*,
&c. &c. &c.

SIR,

Royal Engineer Office, Quebec, 24th April 1830.

I HAVE the honour to forward, for the information of his Excellency the Commander of the Forces, copies of two letters from Colonel Mann, Nos. 301 & 307, of the 7th October and 3d November last, and enclosures, calling on me to report, in the fullest detail, on the Estimate of the Committee of which his Excellency was President, amounting to £. 558,000, for the Rideau Canal.

In obedience to the above instructions, I am about to transmit a Report I have drawn up for General Mann's information, founded upon a separate detail of each particular work, compiled by Lieut.-Colonel By, which, according to our united judgment, would afford the fullest information; which Report I beg to enclose, in case his Excellency may have observations to make thereon before it goes.

His Excellency will perceive that Lieut.-Colonel By has already exceeded, by the sum of £. 54,000, the amount of the several grants of Parliament to the end of the year 1829, viz. £. 296,000.

His Excellency will also perceive that, from the extract from Mr. Stewart's letter to the Secretary to the Board of Ordnance, that a vote for the sum of £. 140,000 will be submitted to Parliament for 1830, making £. 296,000 + 140,000 = 436,000 to the end of 1830.

Having just received from Lieut.-Colonel By, for the information of his Excellency, a letter under date the 26th March 1830, No. 56, accompanied by an abridged abstract, from which it appears that he has expended the sum of £. 391,000 nearly, up to the 25th ultimo, consequently there now remain (supposing that the £. 140,000 is granted for 1830) only £. 45,000 to be expended to the end of the present year; I therefore think it my duty to ascertain, in due time, from his Excellency, whether it be his desire that Lieut.-Colonel By should be restricted from expending beyond the extent of the votes of Parliament up to that period. At the same time it appears to me to be my duty respectfully to observe, that as the whole of the contractors have already executed fully half their respective undertakings, and laid in materials and stores to enable them to complete their engagements in the most faithful and satisfactory manner, I am apprehensive that the least check to their exertions would inevitably produce such appeals to the courts of Justice, as would involve the government in expenses far beyond the amount of their engagements with the contractors, and tend to paralyze the undertaking.

I have, &c.

(signed) *E. W. Durnford*,
Colonel Commanding Royal Engineer,
Canada.

No. 125.—LETTER from Lieut.-Colonel *Couper* to Colonel *Durnford*,
&c. &c. &c.

SIR,

Military Secretary's Office, Quebec, 27th April 1830.

I HAVE had the honour to receive and lay before his Excellency the Commander of the Forces, your letter (69) of the 24th instant, with your Report on the Rideau Canal therein enclosed, addressed to Colonel Mann, of the same date, and I have received his Excellency's commands to express to you his surprise and concern at the great excess of the annual expenditure on the work above the sum appropriated towards its progress, by the Imperial Parliament; and also, that the aggregate cost of the work will so much exceed the approved estimate.

His Excellency commands me to convey to you his decided opinion, that no expense should be incurred upon the Rideau Canal exceeding the annual appropriation for the year, which Government, by existing contracts, are not pledged to defray; and that no additional works of any magnitude, not included in the original estimate, should be undertaken until they have been previously approved by competent authority. The enclosures which accompanied your letter are herewith returned.

I have, &c.

(signed) *G. Couper*, M. S.

No. 126.—LETTER from Colonel *Durnford* to Colonel *Mann*,
&c. &c. &c.

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cation in Canada.

SIR, Royal Engineer Office, Quebec, 24th April 1830.

1.—IN obedience to General Mann's instructions, communicated to me by your Letter, No. 301, of the 7th October last, and with reference to your other letters, No. 281, of the 28th July, and No. 307, of 3d November last, to the several documents which accompanied them, and to my letter to you, No. 14, of the 8th February last, and enclosures, I have now the honour further to report, for his information, as follows:

2.—On receipt of the above instructions, I forwarded copies of them to Lieut.-Colonel By, and requested him to prepare every necessary information in his power to enable me to comply with them.

3.—As soon after the transmittal of my letter to you, above referred to, as laid in in my power, I proceeded to By Town, and accompanied by Lieut.-Colonel By, inspected the several works along the whole line of the Canal.

4.—Having business of importance to attend to, at the time, both at Grenville and Quebec, and the winter season being on the break up, it was out of my power to remain at By Town till Lieut.-Colonel By's Report was completed; but I have carefully examined and considered it in all its bearings, and beg to submit the following leading observations, which occurred to me in going through it, for General Mann's favourable consideration.

5.—The accompanying Report, Plans, &c. received with Lieut.-Colonel By's letter to me of the 15th ultimo, (of which I inclose a copy) only reached me on the 30th ultimo, and are very voluminous, but it is hoped they will afford a satisfactory detail of the expenditure up to the 31st December 1829, as well as of that which it is now considered will be further necessary to complete the work, showing the probable excess of the present Estimate upon that reported by the Committee.

6.—I cannot but consider the explanations afforded by Lieut.-Colonel By, in his letter to me, No. 32, of the 30th of December last, in remonstrating against the reduction of his Estimate, by the Committee, as reasonable, and trust they will be admitted to be so.

7.—Lieut.-Colonel By states, that there were errors in that Estimate amounting to £.2,843, the corrections of which increased the amount from £.576,757 to £.579,600, but gives no explanation of them.

8.—Lieut.-Colonel By states that, although the amount of his present Estimate exceeds that given by him to the Committee (with the addition of the corrections) by £.113,848, £.83,714 of this sum are for additional works, neither contemplated by himself nor ordered by the Committee, and consequently not provided for in his Estimate, but the necessity of which has become apparent during the progress of the work; amongst which, waste weirs at each dam and nest of locks, are the most important and expensive, and which I am surprised should not have been considered necessary, after the particular attention called for to them by Major-General Sir J. C. Smyth, in his memoranda, dated 14th March 1826. On my visit of inspection of the Canal shortly after the failure of the Hog's Back dam, I expressed my opinions in favour of them to Lieut.-Colonel By, who having become equally sensible of their necessity, adopted them throughout the Canal, and their beneficial effects have already been satisfactorily proved in a great measure.

9.—The following is an Abstract of the Items of his present Estimate, viz.

To the amount of his Estimate as given to the Committee - £.576,757

Lieut.-Colonel By states there must be added the following sums, viz.

1. For errors in that Estimate	-	-	-	-	-	2,843
2. Excess on - ditto	-	-	-	-	-	30,134
3. Works not contemplated nor provided for in ditto	-	-	-	-	-	83,714
4. Blockhouses	-	-	-	-	-	33,000
5. Land for ditto	-	-	-	-	-	20,000
6. Reservoir at By Town	-	-	-	-	-	8,000
7. Bridges	-	-	-	-	-	8,230

Making a Total of - - - - £.762,678

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10.—From the foregoing Abstract it will appear, that in addition to the sum of £. 558,000, reported by the Committee, the further sum of £. 204,678 will be required.

11.—Lieut.-Colonel By reports, that he has expended £. 350,685 up to 31st December 1829, consequently there remains £. 411,993 required for the years 1830 and 1831, of which he proposes to expend £. 200,000 in 1830, and the remainder £. 211,993 in 1831.

12.—From the extract from Mr. Stewart's letter to the Secretary to the Ordnance, dated 18th September 1829, communicated to me with your letter, No. 301, above referred to, it appears that the sum of £. 296,000 had been granted by Parliament, including the grant for 1829, leaving £. 262,000 to be further granted to complete the amount of £. 558,000 reported by the Committee; and as it further appears, from the same extract, that a vote for the sum of £. 140,000 will be submitted to Parliament for 1830, it follows that £. 326,678 remain to be submitted, to make up the sum of £. 762,678, the amount of the present Estimate.

13.—The Plans show the quantities of land proposed to be taken, both for the immediate purposes of the Canal, as well as its defence.

14.—The extent of land that will be overflowed, cannot be fully ascertained before the completion of the work, but steps have been taken to ascertain its present value, with the view to prevent future litigation, as will be seen by the accompanying affidavits.

15.—By the fourth article of the Rideau Canal Act, it will be seen, that the claims of proprietors need only be settled as the several portions of the Canal are completed; and by the ninth article of the same, the benefits likely to accrue to them from the Canal are to be taken into consideration, in favour of Government, in estimating compensation, though not beyond the value of the land or property before the Canal was begun.

16.—The lands adjacent to the Canal were generally in the hands of private individuals or corporate bodies, previously to the commencement of the Canal.

17.—The Rideau Canal Act not appearing to include land required for works of defence, I applied to his Excellency Sir James Kempt, under date the 19th December last, No. 47, and Lieut.-Colonel By, by my desire, applied to his Excellency Sir John Colborne, under date the 26th December last, to procure a revision of the Act; by some accident my letter, No. 47, never reached the Military Secretary, of which I did not become aware till lately, when I immediately transmitted to him a duplicate of it, with my letter, No. 63, of the 13th instant, and received his reply, No. 136, of the 14th instant. Lieut.-Colonel By has not communicated to me any reply to his application, I am therefore unable at present to afford information as to what steps have been or may be taken.

18.—The accompanying correspondence, of which (I.) is an Index, together with the documents referred to in my fourteenth paragraph, will explain the present state of this case, as well as of the general question of the land and property.

19.—It appears to me advisable to form the reservoir at By Town at once, for the reasons assigned by Lieut.-Colonel By, and particularly to prevent litigation; and as this work is so intermixed with views of defence, I cannot (as I should otherwise have done) impute to him any want of foresight, in not having provided for it before.

20.—As the blockhouses, and land required for them, as proposed by Lieut.-Colonel By, considerably increase the amount of his present Estimate, and as the claims for the latter not being under the same legal control as those for the property taken for the immediate services of the Canal, would probably be very exorbitant, and more especially as the situations, necessarily proposed for these blockhouses as works of defence, would, in many instances, render them inconvenient as lock-masters' houses, I should recommend their being postponed until the general defences of the Canal shall hereafter come under consideration; and in the mean time to erect a smaller description of lock-master's house than at first proposed by Lieut.-Colonel By, similar to those on the Grenville Canal; or to take advantage of one of the log buildings of the contractors in the most convenient situation at each work, as a temporary measure. This arrangement would reduce the amount
of

of the present Estimate, and afford time for obtaining further local legal authority for taking such land as may be ultimately considered necessary for works of defence, including the blockhouses, which appear to be a suitable description of work, though those proposed are on rather a large scale.

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21.—Having reported that the sum of £.762,679, will probably be required to complete the Rideau Canal, it is but mere justice to Lieut.-Colonel By to observe, that in water works of such magnitude and variety, the usual allowance for contingencies appears to be inadequate, and that casualties may yet be expected over which he can have no control, one of which, sickness, has already been a serious obstruction, and consequent cause of increase of expense, having rendered it necessary to prosecute excavations to a great extent, both of earth and rock, during the winter; so that too much reliance should not be placed even on this present heavy Estimate, which may yet be expected to be exceeded by several thousand pounds; but should this happen, General Mann may rely on its not being attributable either to Lieut.-Colonel By, his officers or contractors, of whose unremitted assiduity and perseverance I cannot speak too highly; and as I have before reported, the whole of the works appear to be executing in the most substantial manner.

I have, &c.

(signed) *E. W. Durnford*,
Col. Comm^s R^l Engineer, Canada.

P. S. I herewith forward, for General Mann's further information, a copy of my letter, No. 69, of the 24th inst. submitting the foregoing Report, &c. to his Excellency Sir James Kempt, together with a copy of his Military Secretary's reply, No. 142, of the 27th inst.

28 April 1830.

(signed) *E. W. Durnford*,
Col. Comm^s R^l Eng^r.

No. 127.—LETTER from *R. J. Routh*, Esquire, to the Hon. *J. Stewart*,
&c. &c. &c.

SIR,

Commissariat, Canada, Quebec, August 4, 1830.

No. 854.

I HAVE the honour to lay before you, for the information of the Right honourable my Lords Commissioners of His Majesty's Treasury, the undermentioned Inspection Returns for the posts of

Montreal (Cash only)
Grenville,
By Town, and
Kingston (Cash only).

I availed myself of this opportunity to pass through the line of the Rideau Canal, so that I might be more in possession of its localities, and judge of the nature of a service in which I am called to co-operate, and which has become nearly the most important in this command.

It is indeed a magnificent undertaking, worthy of the resources of Great Britain, and full of reputation to Colonel By, for the conception and boldness of the plan, and the promptitude of its execution. A vast tract of territory, much of it unexplored, will be opened to the enterprize of new settlers, and a new facility given to the developement of the country. The term Canal is scarcely applicable to the Rideau, which is rather a chain of rivers and lakes, united and made navigable by means of dams and locks. In many instances, particularly at the summit level on the Rideau Lake, the expanse of water is very extensive, and generally flows through a luxuriant country, interspersed with fine natural views and scenery.

The first eight locks of this Canal, which raise the water to By Town, bring it to a level somewhat above the Chaudière Lake; and a future communication between them may be anticipated hereafter as a probable and perhaps a natural result, when the success of the Rideau Canal shall be in full operation.

There is every reason to conclude that this last event will be realized during the sonson of 1831, probably in the early part of it; and meetings have been already
135. advertized

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advertized at Kingston, with a view of establishing steam-boats between that town and Montreal.

From the progress of the work, I was of opinion that nearly eighty miles above By Town, would be open to navigation towards the close of this season. The activity which prevails throughout the line is unremitting, and promotes the economy as well as the completion of the work. There are so many points that will become valuable posts on its termination, that I do not anticipate a reduction in the Rideau Commissariat; nor indeed is it to be desired, whilst the increasing resources and prosperity of the country are the causes which maintain the establishment.

The result of this work, uniting the great waters of the St. Lawrence and the Ottawa, and offering a safe internal navigation, will turn a large portion of the present trade of New York towards Canada; and this expectation should not be discouraged by heavy tolls. The increased trade would pay better than any imposition of taxes.

Whilst I am on this subject, it may be advantageous to submit to you a concise general view of the North American Canals.

The Ohio Canal, about 300 miles in length, communicating with the Ohio at Portsmouth, above Cincinnati, and with Lake Erie at Cleveland, will be opened towards the close of 1831, thereby establishing an uninterrupted inland navigation between New Orleans and Lake Erie. The trade of this Canal will naturally be directed towards New York, until the Welland Canal shall be practicable. The season is open earlier, and later, on the north side of Lake Erie, than it is on the south side towards Buffalo; and the expenses of the Erie Canal are high, and the voyage tedious. These are causes that will operate in favour of the Welland Canal; but some apprehensions are entertained in respect to this Canal, which it is feared will be a failure. It certainly appeared to me to be defective both in the course selected for it and its execution. The better direction would have been from the highest navigable part of the Grand River to Burlington Bay, being now so near the frontier, and so exposed; but notwithstanding these objections, it will be of great and important use to the country in its present direction, if it succeeds, as indeed any Canal would be, that would open the trade of Lake Erie and the upper country to the River St. Lawrence.

The Rideau Canal, from Kingston, will be the means of transport to Grenville.

The first six miles of this Canal (what is properly called the Grenville Canal) will be completed this year. To an unexperienced observer, some parts of it appear rather too serpentine for steam boats, and almost so for Durham boats, and much of its expense might have been avoided as well as this defect, if it is one, by cutting the upper part of this Canal through a ravine in its rear. It is understood that the locks are to be enlarged, being too narrow to admit a steam-boat. The work itself is admirable.

The excavation of the Chûte à Blondeau is in progress, and far advanced; and a public notice has been advertised for tenders to be received on the 13th of this month, for the excavation of the Carillon. It is possible that these Canals may be practicable by the close of 1831, but there are reasonable grounds for inferring that the Rideau Canal will be completed before them.

Between the Carillon and Montreal there are still several difficulties to overcome, rather of a serious nature; and, in order to obviate these impediments, it has been proposed to make the passage navigable through the Rivière des Prairies, between the Isle Jesus and behind the Island of Montreal. This is no new project, but has been formerly entertained, and an officer of the Engineer Department, Lieutenant Bruyeres, I believe in 1822, was employed to survey the passage. The survey itself is still preserved amongst the Engineer Records at Montreal. The rough estimate of the excavation, to avoid the Falls of the Recollet in this river, has been calculated at £. 100,000 sterling; and this work would complete the navigation to Quebec, and open the river St. Lawrence to the whole and unembarrassed trade of North America.

As it appeared to me to be desirable that My Lords should be in possession of authorized Plans of the Rideau Canal, I applied to Colonel By for the means of furnishing their Lordships' Board with this information. I enclose to you three
Plans,

Plans, which afford a satisfactory detail of this work, accompanied by copy of a letter addressed to me by Colonel By on the occasion. In this communication you will perceive the views entertained by this officer, both to facilitate the settlement of the lands in the neighbourhood and on the banks of the Canal, and for the gradual developement of the Ottawa and the country above the Chaudière Lake.

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He appears to consider that the increase of the lumber trade would pay a very ample interest for the sums expended in these improvements, and that this trade requires only these facilities of transport to be increased in any proportion; the red pine particularly appearing to be inexhaustible in that direction. He wishes to convert the timber channels at the Chaudière into locks, which he calculates would cost £. 20,000, and that the revenue of these locks should be applied to forming others at the Chat Rapids, and so on gradually, whilst the resources of this great river should encourage the experiment. He supposes also that these operations would terminate in the establishment of a permanent communication between the Ottawa and Lake Huron, which would certainly be a result of extraordinary importance to these provinces. We know that these communications, though interrupted, do exist, both in the line towards Lake Simcoe, and in several directions towards Lake Huron. The north-west traders are well acquainted with the route from this lake through French River by Lake Nipissing, to the Mattawoen, where the Ottawa abruptly turns to the north. On this subject a paper was put into my hands at By Town, detailing a journey of discovery undertaken to ascertain these objects; and as a record of future reference in case the matter of it should ever be under discussion, I venture to lay it before you for their Lordship's information. It is an account of a journey to the Rapids of the Deux Rivières on the Ottawa, where the river separates the high lands of Upper and Lower Canada, and from thence to Penetanguishine, on Lake Huron, and is another proof of the imperfect information we possess of the extensive country so near our own settlements.

I have the honour to be, Sir,

Your very obedient servant,

R. J. Routh,

Commissary General.

No. 128.—LETTER from Lieut.-Colonel *By* to *R. J. Routh*, Esq.
&c. &c. &c.

SIR,

Royal Engineer's Office, Rideau Canal, 10 July 1830.

I HAVE the honour of inclosing, agreeable to your wish, for the information of PLANS. the Lords of the Treasury, Three Plans to accompany your Report to their Lordships on the state of the works of the Rideau Canal, when I had the pleasure of showing them to you in June last; and I beg to state that the bridges erected across the Ottawa, at the falls of the Chaudière, cost only £. 3,316. 18. 3 $\frac{1}{2}$.; their tolls are let for £. 200 per annum Halifax currency, and their construction caused a saving of upwards of £. 40,000 at the commencement of these works in the masonry of the locks, as the very persons who are now building the locks at 1*s.* 1 $\frac{1}{2}$ *d.* per cube foot, declared they could not be built for less than 4*s.* per cube foot before I commenced building the said bridges, on account of the difficulty of communication.

The Timber channel, which I formed in the winters of 1826 and 1827, by order of the Earl of Dalhousie, cost £. 2,000 H. C.; this sum was paid by the two provinces out of the duties collected on the timber, which amounts to between £. 4,000 and £. 5,000 per annum; and I am happy to state that this trade is so rapidly increasing, that although Mr. Wright has formed another timber channel on the Hull side, to pass which the lumberer has to pay 5*s.* per crib, there is more timber collected on each side of the river above the falls than can be passed this season, which plainly points out the necessity of something more being done to prevent this trade being shackled by individuals.

The Diagram shows the land purchased for the use of the Rideau Canal, and the Crown and Clergy reserves on the borders of the Canal, which I recommend

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Government to keep in their own hands, and settle the Emigrants on them immediately, by giving Fifty acres to each at a low rent per annum; this would produce a dense population, and if they proved good settlers they might be moved to lots of 200 acres, and their fifty acres let to fresh emigrants; but on the present system the emigrants have no where to settle, and numbers wander to me in a starving state, asking for land, and when they are shown the back concessions, being afraid to encounter the wilderness, they pursue their journey until they reach the United States, which I trust my project would in a great measure check.

I have the honour to be, Sir,
Your most obedient humble Servant,

(signed) *John By,*
Lt Col. R^l Eng^{rs}.

No. 129. —LETTER from *R. W. Hay*, Esq. to the Hon. *James Stewart*,
&c. &c. &c.

SIR, Downing-street, 2 Feb. 1831.

I AM directed by Viscount Goderich to transmit to you the copy of a letter from Mr. Byham, stating, by desire of The Master General and Board of Ordnance, that the undermentioned Sums will be required for carrying on the Works of the Rideau and Grenville Canals, in the present year; viz.

For the Rideau	-	-	-	-	-	-	£. 256,782
For the Grenville, and other Canals on the Ottawa	-					40,000	
						£. 296,782	

I am to request that you will lay the same before the Lords Commissioners of the Treasury, acquainting their Lordships, that Lord Goderich is disposed to recommend that Estimates for the whole sum proposed by the Ordnance, however large the amount, should be submitted to Parliament; and thus the necessity may be avoided of continuing the expenditure of public money, not voted by Parliament, on Works which from their advanced state may be expected to be completed in August next.

I am, Sir,
Your obedient Servant,
R. W. Hay.

No. 130. —LETTER from *R. Byham*, Esq. to *R. W. Hay*, Esq.
&c. &c. &c.

SIR, Office of Ordnance, 24 Jan. 1831.

THE Master General and Board of Ordnance having taken into consideration the question as to the sums which will be required for carrying on the Works of the Rideau Canal and Grenville Canal in the present year, for which services the money is not voted in the Ordnance Estimates;

I am directed to acquaint you therewith, for Viscount Goderich's information; and to request you will submit to his Lordship, that upon considering the necessary reports and documents upon this subject, the two following Sums are those which the Master General and Board suggest should be voted in the Colonial Estimate for the year 1831, the works being all in progress and reported to be indispensably necessary; viz.

For the Rideau	-	-	-	-	-	-	£. 256,782
For the Grenville, and other Canals on the Ottawa	-					40,000	
						£. 296,782	

I have, &c. &c.
(signed) *R. Byham.*

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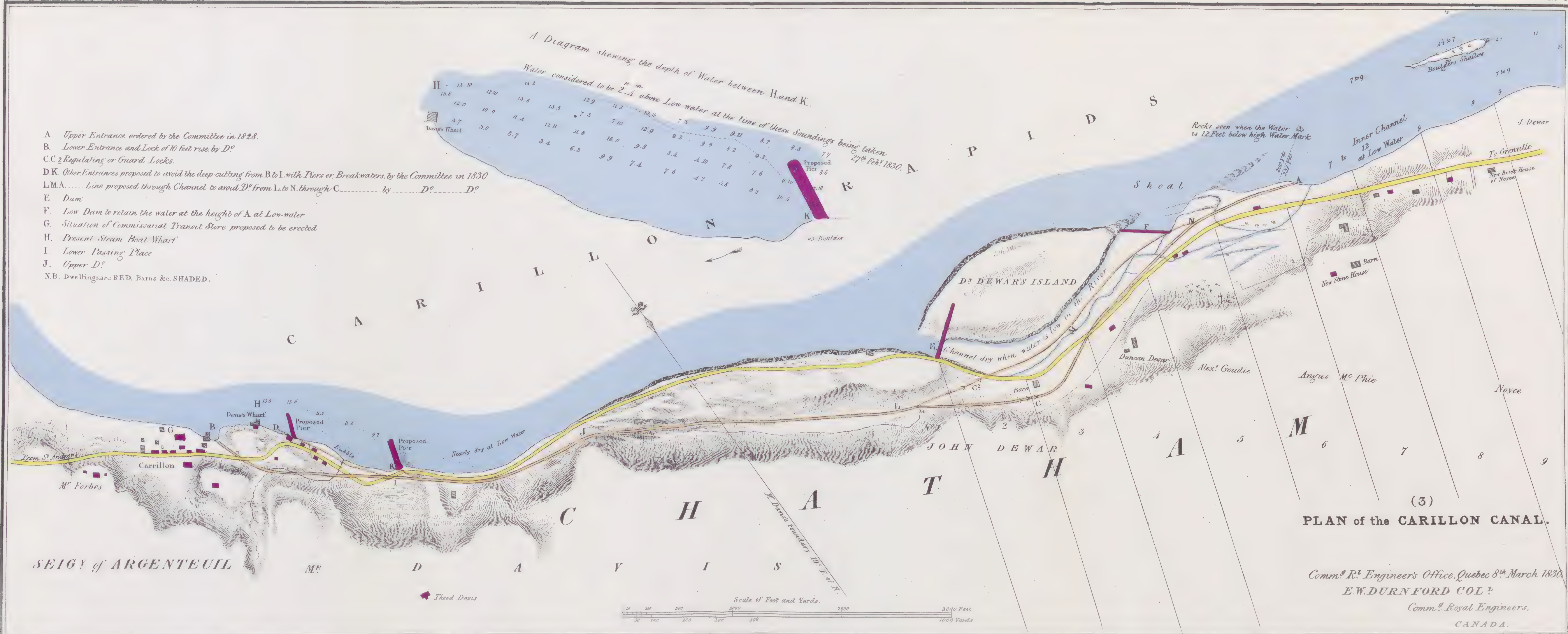
No. 131.—A STATEMENT of the Amount granted and applied, and required to be granted, for completing the Canal Communications in *Canada*.

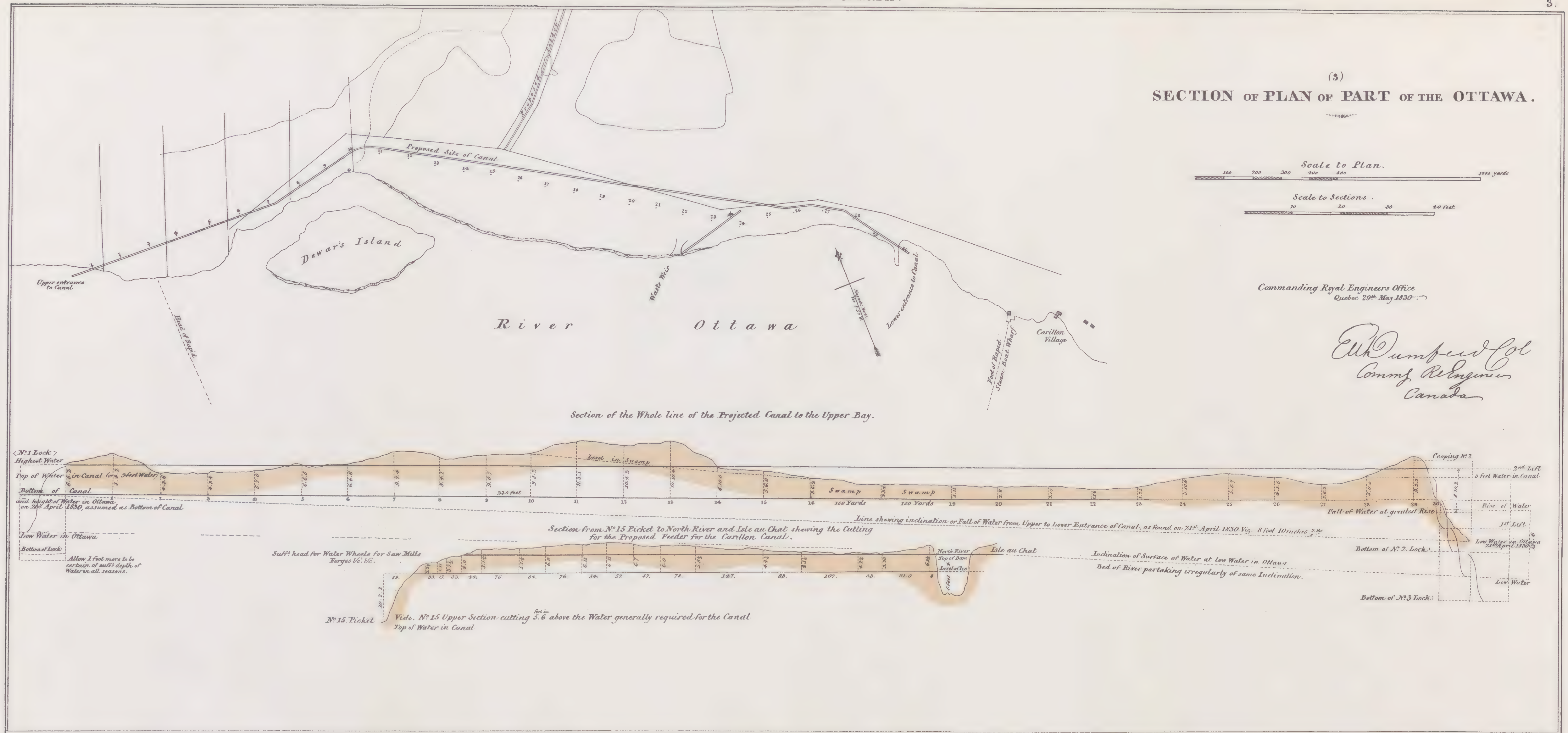
ESTIMATE for the Rideau Canal - - - -	£.	693,448
Estimate for the Grenville Canal, the Carillon Canal, and the Chute à Blondeau - - - -		282,274
	£.	975,722
Granted and applied on account of the Rideau Canal - - - -	£.	436,666
Granted and applied on account of the Grenville Canal, the Carillon Canal, and the Chute à Blondeau - - - -		169,099
		605,765
Probable Sum required to complete these Works, £.		369,957

The foregoing is exclusive of the St. Ann's Rapids, of which no Estimate has yet been received; and exclusive also of block-houses and other works for the defence of the Rideau Canal, on account of which an Estimate of £. 69,230. has been received.

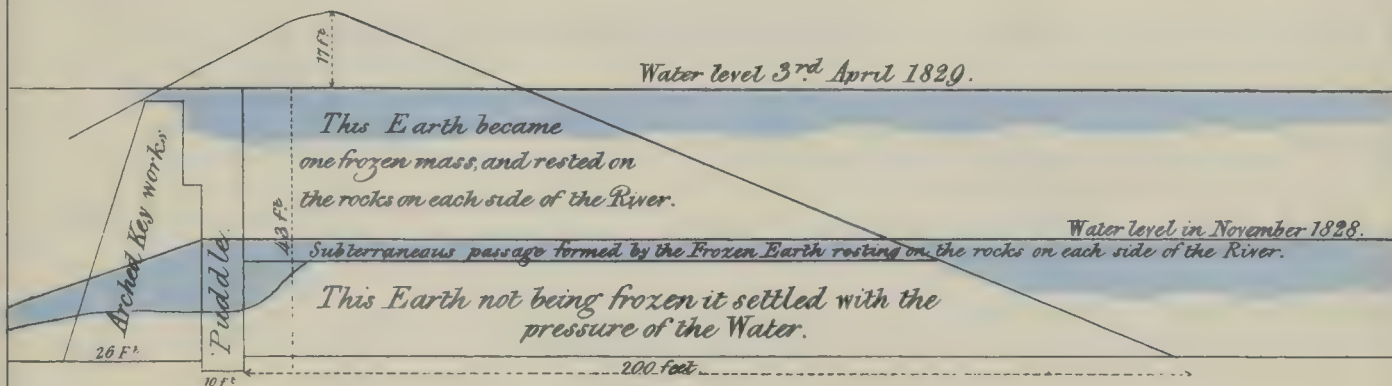
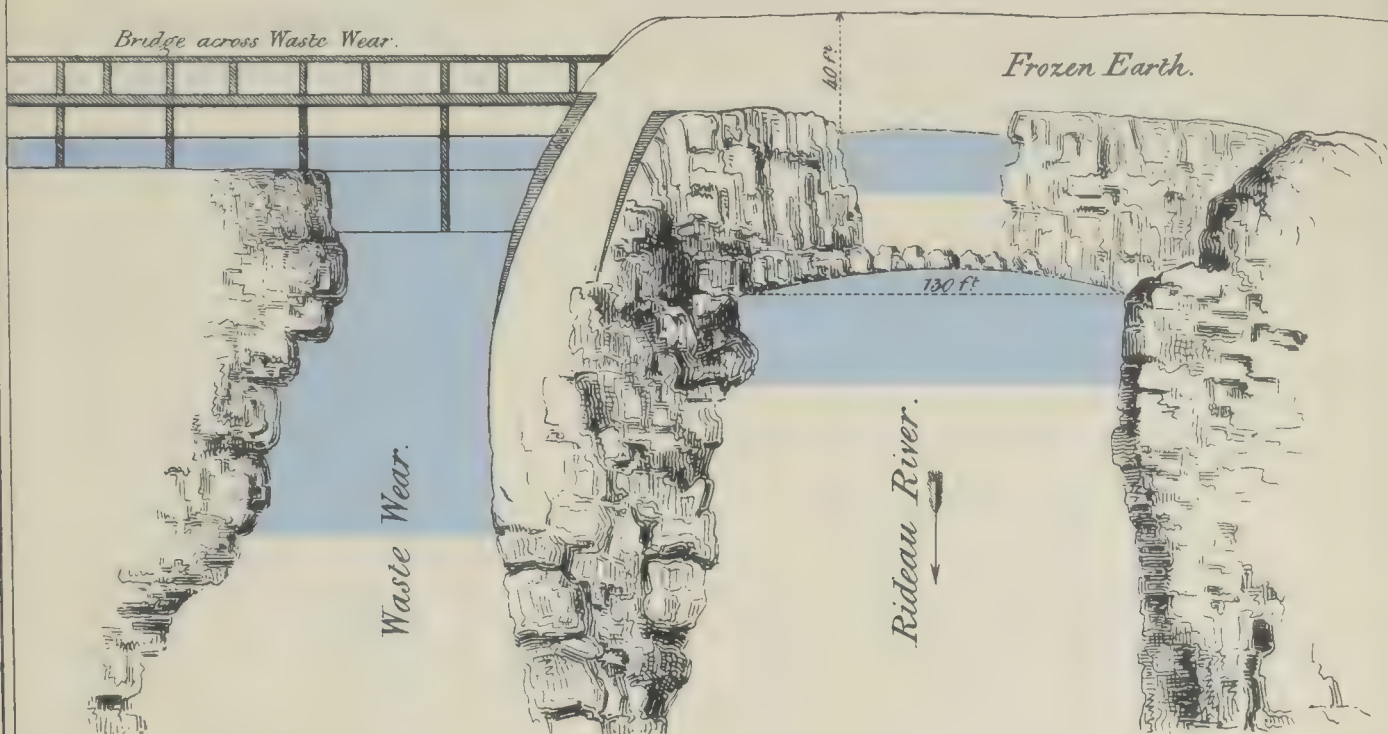
Whitehall, Treasury Chambers, }
8 February 1830.

T. Spring Rice.

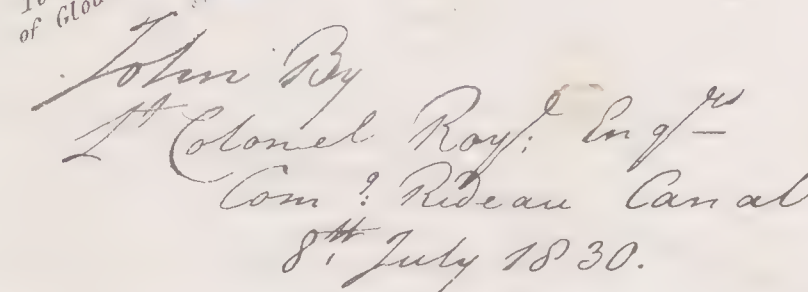




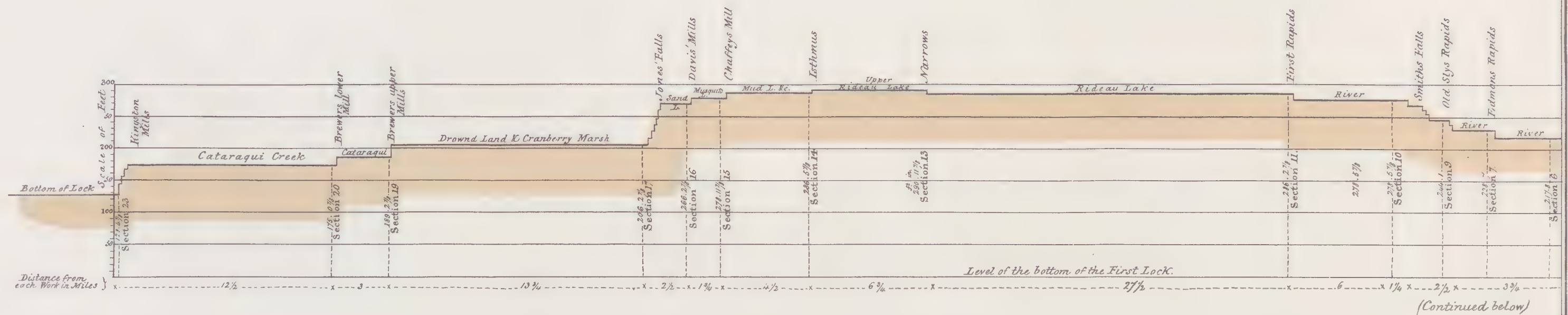
LONGITUDINAL SECTION

TRANSVERSE SECTION,
Shewing the Dam after it had given-way.

Lt Col^r By
Com^d Royal Engineers



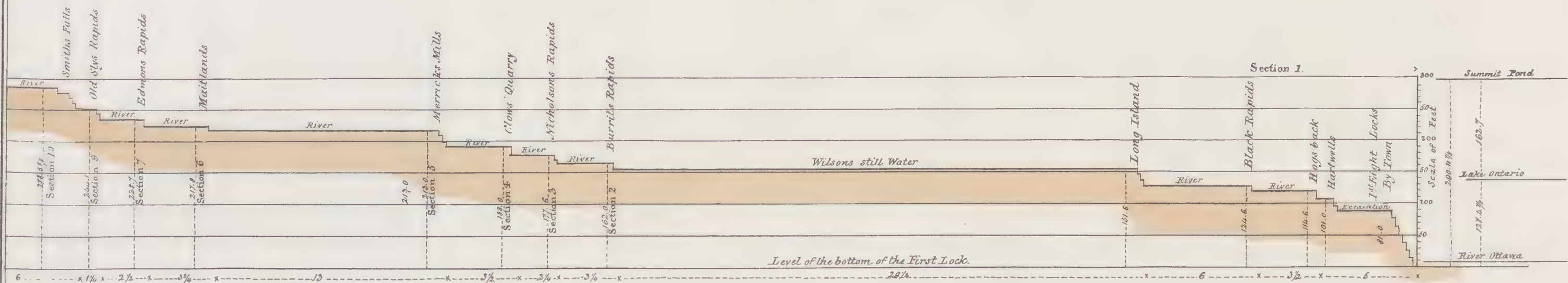
SECTION OF THE LINE OF THE RIDEAU CANAL.



SCALE



(Continued from above)



John By,
Lt Colonel Roy's Engineers
Comd Rideau Canal
8th July 1830.

CANADA CROWN REVENUES.

RETURN to an Address of the Honourable The House of Commons,
dated 11th July 1831;—for

COPIES of all COMMUNICATIONS which have passed relative to the APPROPRIATION of the CROWN REVENUES, and other Financial Arrangements relative thereto, between the Governors of Upper or of Lower Canada, and the Legislatures of the two Provinces.

Colonial Department,
Downing-street,
13 July 1831. }

R. W. HAY.

Ordered, by The House of Commons, to be Printed, 15 July 1831.

LOWER CANADA.

AYLMER, Governor-in-Chief.

THE Governor in Chief has received from the Secretary of State for the Colonial Department His Majesty's commands to make the following communication to the ^{Legislative Council,}_{House of Assembly,} with a view to the final adjustment of the question of Finance which has so long engaged the attention of the Legislature of this Province.

His Majesty, taking into consideration the best mode of contributing to the prosperity and contentment of His faithful subjects of the Province of Lower Canada, places at the disposal of the Legislature all His Majesty's interest in those Taxes which are now levied in the Province by virtue of different Acts of the British Parliament, and which are appropriated by the Treasury under His Majesty's commands, together with all fines and forfeitures levied under the authority of such Acts. His Majesty, relying on the liberality and justice of the Legislature of Lower Canada, invites them to consider the propriety of making some settled provision for such portion of the expenses of the Civil Government of the Province as may, upon examination, appear to require an arrangement of a more permanent nature than those supplies which it belongs to the Legislature to determine by annual votes. His Majesty has directed to be prepared and laid before the ^{Council}_{House} an Estimate of the sums required for that purpose; and in directing the preparation of that Estimate His Majesty has been guided by a wish, never absent from his heart, to call upon his faithful subjects for no other supply than such as may appear to be required for the due execution of those services which it is proposed to charge upon the Civil List.

His Majesty concedes the disposal of these Revenues with cordial good will, and cannot doubt that it will be met with a reciprocal feeling by the ^{Legislative}_{representatives of an attached Council.} The Revenues to be given up, taken upon the average of the two last years, amount to 38,125 *l.* currency; and the amount of the Civil List, according to the estimate herewith transmitted, amounts to 19,500 *l.*

It is not, however, necessary to call upon the Legislature to grant the whole sum of 19,500 *l.*, inasmuch as by the Provincial Act of the 35 Geo. III. the sum of 5,000 *l.* is permanently granted towards the maintenance of the Civil Government; the moderate sum of 14,500 *l.* is therefore all that is deemed necessary to ask for the completion of the proposed arrangement.

2 CANADA :—COMMUNICATIONS RELATIVE TO THE

It is proposed that the duration of the Civil List should be for the life of His Majesty. It is hoped that the arrangements thus detailed will be received in the spirit in which they are dictated—a spirit of conciliation and confidence.

His Majesty is prepared to surrender a large and increasing revenue ; he asks in return for a fixed and moderate Civil List, much less in amount than the revenue given up ; and the settlement of this long-agitated question will be deemed by His Majesty one of the happiest events of His reign, the glory of which (the people of Canada may be assured) will be the promotion of the happiness and content of all classes of His subjects in every quarter of the globe.

The Governor-in-Chief having thus obeyed the commands he has received in making the foregoing communication to the ^{Legislative Council,} ^{House of Assembly,} desires to add, that if in the course of their proceedings in this important question, they should deem it expedient to require explanations from him on the subject of it, he will at all times be ready to afford such explanations ; and he will moreover most willingly supply any further information they may desire to have, to the utmost extent compatible with his duty to his Sovereign.

Castle of St. Lewis, Quebec,
23d Feb. 1831.

LOWER CANADA :—PROPOSED CIVIL LIST.

		£.	£.
Class No. 1.	Governor's Salary - - - - -	4,500	5,300
	Civil Secretary - - - - -	500	
	Contingencies - - - - -	300	
Class No. 2.	Chief Justice - - - - -	1,500	11,450
	- - Ditto - Montreal - - - - -	1,200	
	Six Puisne Judges, at 900 l. each - - - - -	5,400	
	Resident Judge at Three Rivers - - - - -	900	
	Two Provincial Judges - - - - -	1,000	
	Judge of Vice Admiralty - - - - -	200	
	Attorney General - - - - -	300	
	Solicitor General - - - - -	200	
	Allowance for Judges for Circuits - - - - -	275	
	Contingencies - - - - -	475	
Class No. 3.	Pensions - - - - -	1,000	2,750
	Miscellaneous - - - - -	1,750	
Total Three Classes, sterling - - - - -		£.	19,500

STATEMENT of the Average Net Produce of the REVENUES under the following Heads, founded on the Receipts of the last Two Years, after deducting the Proportion for *Upper Canada*.

	£.
Customs, under Imperial Act 14 Geo. 3, c. 88 - - - - -	31,742
Licences under Ditto - - - - -	2,200
Ditto under Provincial Act 41 Geo. 3 - - - - -	62
Customs, under Ditto - - - - -	3,735
Fines and Forfeitures - - - - -	386
Total Currency - - - - -	£. 38,125

(Signed) *Joseph Cary,*
Inspect' Gen^l of Public Provincial Accounts.

Quebec, 23d Feb. 1831.

APPROPRIATION OF THE CROWN REVENUES

3

AYLMER, Governor-in-Chief.

THE Governor-in-Chief having, in his Message of the 23d instant, communicated to the House of Assembly the commands of His Majesty, received through the Secretary of State for the Colonial Department, regarding the question of Finance which has for so long a period engaged their attention, thinks it necessary to enumerate in detail the several branches of revenue which it is deemed expedient to exempt from the operation of the proposed arrangement.

This further communication appears to his Excellency to be the more desirable as it will remove all grounds for future discussion when the adjustment of the main question shall have taken place, and as it will enable the House of Assembly to enter upon the consideration of this important topic with a full and precise understanding of the views of His Majesty's Government; these views are now exhibited by the Governor-in-Chief to the House of Assembly in that spirit of frankness and good faith which characterizes the instructions he has received, and which cannot fail to improve the confidence of the House of Assembly in the good intentions of His Majesty's Government.

The Revenues to which the Governor-in-Chief alludes are the Casual and Territorial Revenues of the Crown, and are classed under the following heads; viz.—

1. Rents Jesuits' Estates.
2. Rent of the King's Posts.
3. Forges of St. Maurice.
4. Rent of King's Wharf.
5. Droit de Quint.
6. Lods et Ventes.
7. Land Fund.
8. Timber Fund.

If the funds derived from these sources operated in any degree as a tax upon the people, or tended, either in their nature or in the mode of their collection, to impede or impair the prosperity of the Province, His Majesty's Government would have hesitated in proposing to retain them at the disposal of the Crown. They stand, however, upon a perfectly different ground from taxes, properly so called. They are enjoyed by the Crown, by virtue of the Royal prerogative, and are neither more nor less than the proceeds of landed property, which legally and constitutionally belongs to the Sovereign on the Throne; and as long as they are applied, not to undue purposes of mere patronage, but to objects which are closely connected with the public interests of the Province, it is not easy to conceive upon what grounds of abstract propriety, or of constitutional jealousy, the application of them according to His Majesty's commands, under responsible advice, can be impugned.

Castle of St. Lewis, Quebec, }
25 Feb. 1831.

A.

House of Assembly, Friday, 25th Feb. 1831.

Resolved,—THAT an humble Address be presented to His Excellency the Governor-in-Chief, praying his Excellency will be pleased to direct the proper officers to lay before this House a statement of the gross annual amount of the casual and territorial Revenue, from the year 1818 inclusive, distinguishing the amount annually received under the following heads; viz.—

- Rent of the Jesuits' Estates.
- Rent of the King's Posts.
- Forges of St. Maurice.
- Rent of the King's Wharf.
- Droit de Quint.
- Lods et Ventes.
- Land Fund.
- Timber Fund.

4 CANADA:—COMMUNICATIONS RELATIVE TO THE

(Answer.)

Gentlemen,

I HAVE much satisfaction in receiving this Address, because it enables me to gratify the desire with which I shall at all times be actuated, to comply with any request of the House of Assembly; and because I am fully sensible that at the present moment it is more than usually desirable that the Financial concerns of the Province should undergo a thorough examination. The proper officers shall therefore be instructed to prepare, and to lay before the House of Assembly, a statement of the gross annual amount of the casual and territorial Revenue, from the year 1818 inclusive, distinguishing the amount annually received under the following heads; viz.—

Rent of Jesuit Estates.
 Rent of the King's Posts.
 Forges of St. Maurice.
 Rent of King's Wharf.
 Droit de Quint.
 Lods et Ventes.
 Land Fund.
 Timber Fund.

Castle of St. Lewis, Quebec, }
 26th February 1831. }

AYLMER,
 Governor-in-Chief.

House of Assembly, Friday, 25th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying his Excellency will be pleased to cause to be laid before this House copies of any despatch or despatches, or of such instruction or instructions as his Excellency may have received from His Majesty's Government in England, concerning the Financial affairs of this Province, to which his Excellency refers in his Messages to this House on that subject, of the 23d instant, and this day.

(Answer.)

Gentlemen,

I CANNOT hesitate a moment regarding the answer which it becomes me to make to this Address.

The despatches and instructions which I have received, and which are alluded to in my Messages of the 23d and 25th inst. to the House of Assembly, are intended for my own information and guidance as Governor of this Colony; and are addressed to me in the confident expectation on the part of His Majesty's Government, that the commands of the King, which those despatches and instructions convey, will be executed by me with that fidelity which should belong to the character of a public officer, intrusted with the performance of high and important duties, and honoured with the confidence of his Sovereign.

I have therefore to desire, Gentlemen, that you will be so good as to convey to the House of Assembly the expression of my very sincere regret at not having it in my power, consistently with the sense of duty and propriety entertained by me on this occasion, to cause to be laid before them, "copies of any despatch or despatches, or of such instruction or instructions, as I may have received from His Majesty's Government in England, concerning the Financial affairs of this Province, which are referred to in my Messages to the House of Assembly on that subject, of the 23d and 25th instant."

Castle of St. Lewis, Quebec, }
 26th February 1831. }

AYLMER,
 Governor-in-Chief.

House of Assembly, Monday, 28th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying his Excellency will be pleased to cause to be laid before this House, a detailed statement of the intended application of the items contained in the Estimate of the proposed Civil List for Lower Canada, transmitted with his Excellency's

APPROPRIATION OF THE CROWN REVENUES.

5

Excellency's Message of the 23d instant, under the heads of Contingencies, in Classes Nos. 1 & 2, and under the heads of Pensions, and Miscellaneous, in Class No. 3.

(Answer.)

Gentlemen,

I HAVE not in my power to furnish a detailed statement of the application of the items contained in the Estimate of the proposed Civil List for Lower Canada, (transmitted with my Message of the 23d ult.) under the heads of Contingencies, in Classes Nos. 1 & 2, not being in possession of the necessary information to enable me to do so.

The same observation will apply to the item of Miscellaneous, in Class No. 3.

Regarding the item of Pensions, in Class No. 3, I have to inform the House that a communication must be made to His Majesty's Government before a final appropriation of that head of charge can take place.

Castle of St. Lewis, Quebec, }
1st March 1831. }

AYLMER,
Governor-in-Chief.

House of Assembly, Monday, 28th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying that his Excellency will be pleased to direct the proper officers to lay before this House a statement of the gross annual amount of the Rents of the Jesuit's Estates, classed under the several heads of receipt; a detail of the salaries annually paid, and the gross annual amount of other expenses of management and collection, together with a statement of the annual amount of all other payments made out of the same fund.

(Answer.)

Gentlemen,

UPON reference to the proper officer, I have ascertained that the information sought for in this Address has hitherto been withheld, in conformity, as I must presume, with instructions from His Majesty's Government.

With this impression of my mind, and in the absence of any precise instructions on this subject, addressed to myself, I cannot feel justified in furnishing the desired information.

Castle of St. Lewis, Quebec, }
1st March 1831. }

AYLMER,
Governor-in-Chief.

House of Assembly, Monday, 28th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying his Excellency to direct the proper officer to lay before this House statements of the gross annual income of the Land-fund, and of the Timber-fund, classed under the several heads of receipt, a detail of the salaries annually paid, and the gross annual amount of all other expenses of management and collection, together with a statement of the annual amount of all other payments made out of the same funds, from the year 1818 inclusive.

(Answer.)

Gentlemen,

To this Message I can only return a similar answer to that which I have just made to the preceding one, and to that answer I must accordingly refer.

Castle of St. Lewis, Quebec, }
1st March 1831. }

AYLMER,
Governor-in-Chief.

6 CANADA:—COMMUNICATIONS RELATIVE TO THE

House of Assembly, Monday, 28th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying that his Excellency will be pleased to cause to be laid before this House a detailed statement of the intended future application of the income arising from the Rents of the Jesuits' Estates, the Land-fund, the Timber-fund, and the other heads of revenue classed in his Excellency's Message of the 25th instant, as belonging to the casual and territorial revenue.

(Answer.)

Gentlemen,

I CANNOT take upon myself to say what may be the future intentions of His Majesty's Government with regard to the appropriation of those branches of the Revenue which are considered as the property of the Crown, and consequently liable to such changes in the distribution of them as His Majesty may be pleased to direct.

I can only state generally that it is the intention of His Majesty's Government to apply them to objects which are closely connected with the public interests of the Province, and I have reason to believe that the following items will be made chargeable upon those revenues.

- 1st. The advancement of education.
- 2d. The payment of the clergy of the Established Church.
- 3d. The payment of 1,000 *l.* per annum, to the Roman-catholic bishop of Quebec.
- 4th. An allowance annually of 600 *l.* to Presbyterian Ministers.

Castle of St. Lewis, Quebec, }
1st March 1831.

AYLMER,
Governor-in-Chief.

House of Assembly, Monday, 28th Feb. 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying that his Excellency will be pleased to acquaint this House whether the Judge of the Court of Vice-Admiralty at Quebec has made choice of his salary, at the rate of 200 *l.* sterling per annum, as voted by this House, or of the fees which, under the present tariff, he is in the habit of receiving.

(Answer.)

Gentlemen,

I REALLY cannot inform the House of Assembly, whether the Judge of the Court of Vice-Admiralty has, or has not made choice of his salary, at the rate of 200 *l.* sterling per annum, as voted by the House, or of his fees. I only know, that the Judge of the Court of Vice-Admiralty having some time since made application to me for a warrant for the amount of his salary for the year 1830, I caused inquiry to be made whether he had received fees during that period, and upon learning that he either had done so, or at least still asserted his claim to those fees, I withheld my warrant for the amount of the salary, which will be found carried to the credit of the public, in the accounts of the expenditure of the past year now before the House of Assembly.

Castle of St. Lewis, Quebec, }
1st March 1831.

AYLMER,
Governor-in-Chief.

House of Assembly, Tuesday, 1st March 1831.

Resolved,—THAT an humble Address be presented to his Excellency the Governor-in-Chief, praying his Excellency will be pleased to lay before this House any information which may be in his possession, and which he may think proper to communicate, respecting any Bill introduced during the last or present Session of the Parliament of the United Kingdom, by any officer of His Majesty's Government, concerning the Financial affairs of this Province, or any information relating to any such

APPROPRIATION OF THE CROWN REVENUES.

7

such Bill proposed to be introduced, together with copies of all such Bills, and every other information relating thereto.

(Answer.)

Gentlemen,

I REQUEST you will inform the House of Assembly that I am not in possession of any official information respecting any Bill introduced during the last or present Session of the Parliament of the United Kingdom, by any officer of His Majesty's Government, concerning the Financial affairs of this Province : but a despatch, addressed to me by the Secretary of State for the Colonial Department, dated the 24th of December last, announces the intention of His Majesty's Government to submit to the Imperial Parliament, in the course of the present Session, a bill for the purpose of relieving the Lords of the Treasury from their present obligation of appropriating the duties referred to in my Message of the 23d ultimo, and for authorizing His Majesty to leave their appropriation to the Colonial Legislature. The date at which it is proposed that this Bill should come into operation is on the 1st of July 1832. In order, however, to enable the Government at home to give the earliest possible effect to the measures which may be taken by the Colonial Legislature for the satisfactory settlement of the question involved in the subject of my Message of the 23d ultimo, it is proposed to give His Majesty in Council a power to bring the British law into operation at an earlier period than the 1st of July 1832. If, therefore, the Colonial Act should provide for the commencement of the proposed Civil List in January 1832, or at any earlier period, then his Majesty's Government would lose no time in advising the issue of an Order in Council to accelerate the commencement of the British Act, so that the whole plan would come simultaneously into effect.

Castle of St. Lewis, Quebec, }
2d March 1831. }

AYLMER,
Governor-in-Chief.

UPPER CANADA.

Upper Canada, York, 21st March 1831.

Lieutenant-governor Sir *John Colborne* :—Transmitting Copies of two Messages to the House of Assembly, and of a Bill passed by the Provincial Legislature, making a permanent Grant of £. 6,500 sterling, for the Salaries of the Lieutenant-governor, the Judges, and certain Public Officers ; and repealing the permanent Grant of £. 2,500, made by the Provincial Act of 56 Geo. III. c. 26, on the condition of getting the Control of the Duties levied under the British Act, 14 Geo. III. c. 88.

THE Lieutenant-governor has the satisfaction to inform the House of Assembly that the King places at the disposal of the Provincial Legislature all His Majesty's interest in the duties which are collected under the British Statute, 14 Geo. III. c. 88, and which have hitherto been applied to the support of the Civil Government by warrants of the Lords Commissioners of the Treasury.

His Majesty, in conceding the complete disposal of this increasing revenue, has naturally the confident expectation that so great a proof of His anxious desire to consult the wishes of His faithful and loyal subjects in Upper Canada will be met with a reciprocal feeling by their representatives.

The Lieutenant-governor is therefore instructed to acquaint the House that His Majesty's Government trusts that the Legislature will think it indispensable that provision should be immediately made for the salaries of the Lieutenant-governor, the Judges and principal officers of the government ; and for such expenses of the Civil Government and administration of justice as may appear, upon examination of the Estimates in possession of the House, to require a more permanent arrangement than the supplies which are granted by annual vote.

The sum of 8,000 *l.* is deemed sufficient by His Majesty's Government for this important object, exclusive of the sum granted permanently by a Provincial Act towards the maintenance of the Civil Government.

8 CANADA :—COMMUNICATIONS RELATIVE TO THE

The revenue to be ceded cannot be calculated at less than 11,500 *l.* sterling ; and it will be highly gratifying to the Lieutenant-governor to concur in any measure that may accelerate the final arrangements proposed by His Majesty's Government to give effect to His Majesty's gracious intentions, and to the decision of the British Parliament, when the Lords of the Treasury may be released from the obligation of appropriating in future the duties referred to in this communication.

Government House, }
28th Feb. 1831. }

(signed) *J. Colborne.*

THE Lieutenant-governor, in reference to his communication of yesterday, transmits for the information of the House of Assembly, estimates of the expense of the Civil Government.

Government House, }
1st March 1831. }

(signed) *J. Colborne.*

ESTIMATE of EXPENSE requiring a more permanent Arrangement than an Annual Vote.

	£.	s.	d.
Salary of the Lieutenant-governor - - - - -	3,000	-	-
— Judges - - - - -	3,300	-	-
— Attorney general - - - - -	300	-	-
— Solicitor-general - - - - -	100	-	-
— Secretary of the Province - - - - -	300	-	-
— Retired Judges - - - - -	2,700	-	-
Contingent and Miscellaneous - - - - -	800	-	-
	<hr/>		
Sterling - - - £.	10,500	-	-
	<hr/>		
Speaker of the Legislative Council - - - - -	360	-	-
Five Executive Councillors - - - - -	500	-	-
Receiver-general - - - - -	200	-	-
Surveyor-general - - - - -	300	-	-
Clerk of the Executive Council - - - - -	200	-	-
Clerk of the Crown and Pleas - - - - -	100	-	-
	<hr/>		
	£.	1,660	-
<hr/>			
PUBLIC OFFICES :			
Government Office :			
Secretary's salary - - - - -	£. 182	10	-
Three clerks - - - - -	550	-	-
	<hr/>		
		732	10 -
Executive Council Office :			
Two clerks - - - - -		332	10 -
Secretary's and Register's Office :			
One clerk or deputy - - - - -		150	- -
Receiver-general's Office :			
Two clerks - - - - -		332	10 -
Surveyor-general's Office :			
Draughtsman and four clerks - - - - -		726	5 7½
Inspector-general's Office :			
Two clerks - - - - -		332	10 -
Contingent expenses of the Public Offices - - - - -	1,500	-	-
Contingent expenses of the administration of justice - - - - -	1,800	-	-
	<hr/>		
Sterling - - - £.	7,560	5	7½

Chapter 14.

AN ACT to repeal an Act passed in the Fifth Session of the Sixth Parliament of this Province, intituled, "An Act for granting to His Majesty a sum of Money " towards defraying the Expenses of the Civil Administration of the Govern- " ment of this Province," and for granting to His Majesty a certain sum of Money to be applied towards the payment of the Expenses of the Administration of Justice, and the support of the Civil Government of this Province.

Most Gracious Sovereign,

WHEREAS by a Message transmitted to the House of Assembly and Legislative Council, by his Excellency Sir John Colborne, knight, commander of the Most honourable military Order of the Bath, Lieutenant-governor, the intention of Your Majesty is communicated to the Provincial Parliament, of placing at the disposal of the Legislature the revenues raised, levied and collected under the Imperial Act of the fourteenth year of the Reign of King George the Third, intituled, "An Act to establish a Fund towards further defraying the Charges of " the Administration of Justice and support of the Civil Government within the " Province of Quebec, in America," accruing to this Province, and expressing Your Majesty's earnest desire that the Legislature would make provision for defraying such of the expenses of the Civil Service of the Colonial Government as ought not to be dependant upon annual votes; And whereas the revenue about to be placed under the control of the Legislature has greatly increased during the last seven years, and is constantly increasing, and amounts, at this time, to upwards of seventeen thousand five hundred pounds; And whereas the sum of six thousand five hundred pounds sterling is required for the services hereinafter mentioned, which it is expedient should be permanently provided for; And whereas by an Act in the Fifth Session of the Sixth Parliament of this Province, intituled, "An " Act for granting to His Majesty a sum of Money towards defraying the Ex- " penses of the Civil Administration of the Government of this Province;" the sum of two thousand five hundred pounds was granted to His late Majesty King George the Third, annually, in aid of the support of the Civil Government of this Province, which it is expedient to repeal: Be it therefore Enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the " Fourteenth Year of His Majesty's Reign, intituled, 'An Act for making more " ' effectual Provision for the Government of the Province of Quebec, in North " ' America, and to make further Provision for the Government of the said Pro- " ' vince, and by the authority of the same;'" that the said Act passed in the Fifth Session of the Sixth Parliament of this Province, intituled, "An Act for " granting to His Majesty a sum of Money towards defraying the Expenses of the " Civil Administration of the Government of this Province," shall be and the same is hereby repealed.

And be it further Enacted, by the authority aforesaid that there be annually granted to His Majesty, his heirs and successors, from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected to and for the public uses of this Province, and in the hands of the Receiver-general, and unappropriated, the sum of six thousand five hundred pounds sterling, which sum shall be applied for defraying the charges hereinafter mentioned, that is to say, the salary of the Lieutenant-governor, or person administering the government of this Province, two thousand pounds sterling; the salaries of the Judges of His Majesty's Court of King's Bench, three thousand three hundred pounds sterling; the salaries of the Attorney and Solicitor-general five hundred pounds sterling; the salaries of five Executive Councillors, five hundred pounds sterling; the salary of the Clerk of the Executive Council, two hundred pounds sterling; and shall be paid by the Receiver-general of this Province, in discharge of any warrant or warrants which shall for that purpose be issued by the Governor, Lieutenant-governor, or person administering the government of this Province, and shall be accounted for to His Majesty by His Majesty's Receiver-general of this Province, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his heirs and successors, shall be graciously pleased to direct.

10 CANADA :—APPROPRIATION OF CROWN REVENUES.

And be it further Enacted, by the authority aforesaid, that this Act shall come into operation and take effect from and immediately after the Revenues arising under the said Act passed in the fourteenth year of the Reign of his late Majesty George the Third, shall, by Act of the Imperial Parliament, or otherwise, be placed under the control of the Parliament of this Province.

Commons House of Assembly, }
11th March, 1831.

Arch^d M^r Lean.
Speaker.

Legislative Council Chamber, }
14 March 1831.

Jno. B. Robinson,
Speaker.

I assent to this Bill in His Majesty's name.

J. COLBORNE.

CANADA CROWN REVENUES.

COPIES of all COMMUNICATIONS which have passed relative to the APPROPRIATION of the CROWN REVENUES, and other Financial Arrangements relative thereto, between the Governors of *Upper* or of *Lower Canada*, and the Legislatures of the two Provinces.

Ordered, by The House of Commons, to be Printed,
15 July 1831.

R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO TAKE INTO CONSIDERATION

THE ACCOUNTS AND PAPERS

RELATING TO THE

CANAL COMMUNICATIONS IN CANADA.



1832.

*Ordered, by The House of Commons, to be Printed,
29 June 1832.*

R E P O R T.

THE SELECT COMMITTEE appointed to take into consideration the ACCOUNTS and PAPERS relating to the CANAL COMMUNICATIONS in CANADA, and to report their Observations thereupon to The House, together with the MINUTES of EVIDENCE taken before them, and an APPENDIX:—HAVE examined the Matters to them referred, and agreed to the following REPORT:

YOUR COMMITTEE have examined the Papers referred to them, and some Witnesses, whose Evidence they thought would be of importance.

With respect to the RIDEAU CANAL, The House will recollect, that, according to the Papers presented to Parliament in 1831, the Estimate for that Work amounted to £.693,448, exclusively of a sum of £.69,230 for Fortifications, and the purchase of Land. The Money already voted amounts to £.692,666, leaving a balance of £.782 to complete the Estimate of 1831.

Parl. Paper,
10 Feb. 1831,
No. 135, p. 133,
109, 127 & 128.

By a Memorandum from the Office of Ordnance, dated May 18th, 1832, it appears that the total expenditure on the Canal, up to December 31st 1831, was £.715,408. 15. 6., being an excess of £.22,742. 15. 6. beyond the Votes of Parliament; and of £.21,960. 15. 6. beyond the Estimate for the whole Work made in 1831. The present Estimate, as given in the Memorandum just referred to, in the Abstract annexed to it, amounts to £.776,024. 5. 6., being £.83,358. 5. 6. more than the Votes of Parliament, and £.82,576. 5. 6. beyond the Estimate of last year. If, however, to last year's Estimate be added a sum of £.69,230, which in the Papers then presented to Parliament was stated to be likely to be required for Defences and Bridges, and the purchase of Land, and if £.27,750 for nearly the same purposes be added to the Estimate of this year, the two sums will then be, for the Estimate of 1831, £.762,693, and for that of this year, £.803,774. 5. 6.; being an excess in the Estimate of this year, as compared with that of the last, of £.41,076. 5. 6.

Vide Appendix

Vide Abstract,
18 May 1832.

Ordnance Paper,
18 May 1832.

It is, however, to be observed, that last year, with respect to the sum of £.69,230 it was stated, that, with the exception of £.8,230 for Bridges, it would not be necessary to apply that sum immediately: how far the postponement then recommended has been attended to, your Committee, from the manner in which the accounts are made up, have been unable to determine.

Report, 1831, p. 6.

The present Accounts, therefore, show an Expenditure of £.22,742. 15. 6. beyond the Votes of Parliament; and an Estimate of £.111,108. 5. 6. beyond the same Votes for the completion of the Canal, and for Expenses and Works stated to be in necessary connection with it. Of this sum, what portion may have been already spent, or even what part of it may be involved in existing contracts, Your Committee have no means of ascertaining with accuracy: they presume, however, that, under the arrangements which still subsist, the Public must be ultimately liable for the payment of the whole; this, of course, supposes that the Contracts shall have been faithfully performed; of their nature and character Your Committee have inserted an explanatory Note from the Office of Ordnance: at

what periods, and after what examination, the payments should be made, must be left to the discretion and judgment of the Government; but whenever the Canal shall be finished, Your Committee think that it would be most desirable to close the Accounts with the least possible delay.

Vide Appendix.

An Estimate, dated 21st June 1832, has been prepared by the Office of Ordnance for the annual maintenance and repair of the Canal, and for the management of the Locks. This amounts to £. 18,799. 1. 6. for the present year, and Your Committee presume that a sum must be proposed for this service on account; as, however, this threatens to be an annual expense, they recommend that immediate steps should be taken to place this charge on a regular and economical footing; and they agree with the Treasury and Colonial Office in thinking, that the Provinces of Canada, to whom the whole of these Works must be most valuable, may be reasonably expected to bear this expense. Those Provinces, they hope, will not be indisposed, for such an object, to come to the assistance of the Mother Country, by whom so large an expenditure has hitherto been exclusively incurred. It appears to be still quite uncertain, and it must be so until the Water Communication from Montreal to Kingston shall be completed, how far any tolls to be collected on the different Canals may or may not be sufficient to keep them in repair, and to support the necessary establishment.

Report 1831, p. 8;
Parl. Papers, Feb.
1831, No. 135,
p. 110, 114, 117.
Vide Appendix.

With respect to the three Canals on the Ottawa, Your Committee observe, that in 1831 the Estimate for these Works, including £. 54,245 for the enlargement of the Grenville Canal, amounted to £. 285,367. The Votes of Parliament amount to £. 209,099, leaving by the Estimate of 1831 a sum of £. 76,268, still to be provided for. By a Memorandum from the Office of Ordnance, dated June 16th, 1832, it appears, that up to the 31st December 1831, there had been expended upon the Grenville Canal, £. 137,244; on the Carillon Rapids, £. 23,721; and on the Châte-à-Blondeau, £. 9,872; making a total sum of £. 170,837, being £. 114,530 within the Estimate of 1831, and £. 38,262 within the Votes of Parliament. It is now stated in the Memorandum from the Office of Ordnance before referred to, that £. 18,411 will be sufficient to complete these Canals, exclusively of £. 54,245 for the enlargement of a part of the Grenville Canal. There is also an Estimate from the Ordnance Office of £. 23,761 for the expense of the Superintendence and Establishment connected with the Canals on the Ottawa: on this point Your Committee must refer The House to the observations made in the Report of the Committee of 1831.

Ibid.

Report of 1831, p. 8.

Your Committee think it due to the Office of Ordnance, under whose directions the Works on the Ottawa have been placed exclusively, to call the attention of The House to the care and economy with which they appear to have been recently conducted, the expenditure of the year having been far within the annual Vote, and various savings appearing in the present Estimates; they therefore do not hesitate to recommend the completion of these Works, with the exception of the enlargement of the Grenville Canal, to which they will presently advert. The Estimate for this purpose has been already stated to be £. 18,411, which, with the money expended up to the 31st December 1831, makes a total of £. 189,248, being a saving on the Estimate of 1831 of £. 96,119, or, if we exclude from the Estimate of 1831 £. 54,245 for the Grenville Canal, a saving of £. 41,822.

	£	s.	d.
Rideau - -	803,774	5	6
Ottawa { spent -	170,837	-	-
{ estim. -	18,411	-	-
	£. 993,022	5	6
Establishment	23,761	-	-
	£. 1,016,783	5	6

It results from this statement, that the Votes for the whole of this Water Communication amount to £. 901,765, and that the present Estimates, including the money already spent, amount to £. 993,022. 5. 6. for the completion of the Rideau Canal, and the Canals on the Ottawa, on the scale now existing; this calculation excludes the £. 54,245 at different times proposed for the enlargement of the Grenville Canal, and the expense of Superintendence and Establishment on the Ottawa.

From the evidence of Colonel Durnford, and from past experience, Your Committee fear that the present Estimates will be found insufficient for the Rideau Canal. They are therefore of opinion, that it would be imprudent not to calculate on some excess, though they have no means of estimating its amount; and they doubt whether the expectation held out by Colonel By, of opening the Canal on the 1st of May 1832, has been realized.

With

With regard to the enlargement of the Grenville Canal, and the contemplated Works, either at St. Ann's and La Chine, or in the rear of the Island of Montreal, the Committee do not think that any immediate decision need be taken. The Grenville Canal, if it remain at its present size, will not absolutely interrupt the communication, and in the mean time some experience will have been obtained of the sufficiency and durability of the Works already completed. The same observations apply to the proposed Works on the Island of Montreal, with this additional reason for suspending the decision of Parliament, that the Estimates appear, from Colonel Durnford's Evidence, to have been altogether framed by Colonel By; and the Committee, after what has passed with regard to the Rideau Canal, do not think that it would be prudent to rely on their accuracy. They observe, that in the Miscellaneous Estimates on the Table of The House, it is proposed to ask for a Vote of £.62,500 for the Water Communication in Canada, and they cannot advise the proposal of a larger sum until more full and accurate explanation of the expenditure on the Rideau shall have been obtained. They recommend that the money shall be employed in satisfying existing Contracts wherever they have been faithfully performed; and that in the present state of information and experience on the subject, no Fortifications should be undertaken on the Rideau, nor any further Works proceeded with, either on the Ottawa or the Island of Montreal.

Having now called the attention of The House to various details of Expense, Your Committee are anxious to describe shortly the extent of the Works in question. The distance from Kingston, on Lake Ontario, to By Town, where the Rideau River joins the Ottawa, is stated to be 150 miles; from By Town to the Grenville Canal, 64 miles; making together 213 miles, throughout the whole of which line the Locks and Cuttings are of a size to admit Steam Boats 134 feet long, 33 feet wide, and drawing 5 feet water.

Col. Durnford's
Evidence.

From the Grenville Canal to Montreal is 64 miles: all the Locks on the Carillon and on the Châte-à-Blondeau are of the same size as on the Rideau; but on a part of the Grenville Canal, commenced before the larger scale was adopted, some Locks and a part of the Cuttings will only admit Boats 20 feet wide; the Locks on La Chine Canal (a provincial Work near Montreal) are also calculated for Boats of 20 feet; and the imperfect Work at St. Ann's, described by Colonel Durnford, will not allow the passage of larger Boats. Until, therefore, the Locks on the Grenville Canal and the Works on the Island of Montreal shall be made on the same scale as those on the Rideau, the navigation for Boats above 20 feet wide will be interrupted where the smaller Locks begin; and if larger Boats are used on the Rideau, and on the higher part of the Ottawa, all goods must be unshipped on arriving at the Grenville Canal, and be either conveyed by portage, or removed to smaller Boats. The Estimate for enlarging the Grenville Canal being £.54,245, and that for making a communication between the Islands of Montreal and Jesus being stated to be £.117,270, the whole expense of completing this part of the Water Communication would be £.171,515, if it were probable that the Estimates were accurate. Colonel Durnford states, that though the expense of making a Canal at St. Ann's might be from £.23,000 to £.46,000, according to the particular line which was determined upon, yet, that as in that case La Chine Canal must also be enlarged, the passage that way would be nearly, if not quite as expensive, and in all other respects much less eligible, than by the rear of the Island of Montreal. If at any future time the further prosecution of these Works should be thought desirable, The House will have to determine in what way the expense should be provided for; but Your Committee cannot recommend that any Money should now be voted for that purpose.

Your Committee cannot conclude their Report without a strong expression of their regret, that the irregularity, hitherto so much complained of in the conduct of the Works on the Rideau, should have prevailed to a great extent in the course of the last year. The expenditure has much exceeded both the Estimates and the Votes of Parliament; and a considerable delay, not very perfectly explained, seems to have taken place in making this excess known to the Treasury. Your Committee are the more surprised that this should have occurred, as the Treasury Minutes of the 10th of June and 8th July 1831, called the attention of the several departments of Government to the subject, and gave positive directions, which appear calculated

Vide Appendix.

Appendix.

to remedy the inconveniences complained of. By a Treasury Minute of May 11th, 1832, some restraint is imposed on the application of Money by the Commissary General of Canada. Your Committee have observed this with pleasure, being of opinion, that in Works of this description there is no security against extravagance ; and the amount of expense can never be accurately known, unless the annual expenditure be confined within the limits of the annual Votes. In those cases, of rare occurrence, in which a deviation from this principle may be unavoidable, Your Committee believe that the directions contained in the Treasury Minutes above referred to, would secure the Public Service from interruption and inconvenience ; they trust, therefore, that the Treasury will not allow the Orders contained in these Minutes to be neglected by any Department, and that they will take care that they are carried into strict and immediate execution ; and in conclusion, with a view to place Works of this description under the undivided responsibility of one Department, they suggest the expediency of inserting the Votes for Money in the Ordnance Estimates, and not in the Miscellaneous Estimates.

29 *June* 1832.



MINUTES OF EVIDENCE.

WITNESSES.

Colonel <i>Elias Walker Durnford</i>	-	-	-	-	-	-	p. 7
<i>William Sargent</i>	-	-	-	-	-	-	11
Colonel <i>Ellicombe</i>	-	-	-	-	-	-	12

Veneris, 15^o die Junii, 1832.

J. N. FAZAKERLEY, ESQUIRE,
IN THE CHAIR.

Colonel *Elias Walker Durnford*, called in; and Examined.

WHAT situation do you hold at present?—Colonel of the corps of Royal Engineers.

Colonel
E. W. Durnford.

What situation did you hold in Canada?—I was the Commanding Engineer.

How long were you there?—Fifteen or sixteen years.

Were you there when the works on the Rideau Canal were first ordered?—When the works on the Rideau Canal were first ordered, Lieutenant-Colonel John By was sent out as having the command of that work, totally independent of the command I hold in the country.

15 June,
1832.

In what year was that?—1826.

Did you receive any authority to superintend the executions of the works?—I never was considered the executive officer, for my station was between 300 or 400 miles from Colonel By; I only went up occasionally to inspect and give opinions; I had nothing to do with the formation of the plan; I have reported frequently upon it.

When did you leave Canada?—I left Canada last November.

When did you last see the Rideau Canal?—In September last.

That was nearly at the conclusion of the works of that year?—They went on during the winter partly, and the works were very near closing.

Up to what date have you any account on which you can rely of the state of the works of the Rideau Canal?—I have nothing official since I left Quebec in November last.

What do you understand to be the present state of the works?—I understand they are very nearly completed.

State a little more precisely when you expect them to be completed?—I expect they will be completed this summer.

Do you think they are likely to have been completed on the 1st of last May?—I have every reason to think they were.

Have you any knowledge yourself of the sums that have been already expended on the Rideau Canal?—To the best of my recollection upwards of 600,000*l.* had been expended when the last Reports went through my office.

It has been stated, that since December last a further sum of upwards of 60,000*l.* will berequired to complete the Canal; have you examined the accounts upon which that sum has been calculated, and have you any opinion as to how far it will be sufficient to complete the works?—I have not yet examined every item, I have examined a few this morning.

Can you give the Committee any opinion which would justify them in coming to any conclusion as to that sum being probably sufficient?—I think from my own opinion,

8 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Colonel
E. W. Durnford.

15 June,
1832.

opinion, and from what I have always reported, that there must inevitably be an excess upon the Estimate.

Will you read a memorandum of Sir Alexander Bryce's, dated 1832, in which you will see that a sum of 60,000*l.* is stated as likely to be required to complete the Rideau Canal, and say whether you have any information to lead you to suppose that that will be sufficient or insufficient?—(*After reading the above Letter*)—I have no information; the Reports up to the 31st of December last have not been through my hands.

Can you state to what date the accounts of the expenditures of the Rideau Canal passed through your hands?—I cannot speak to the dates.

What is your opinion upon the works of the Rideau Canal?—I consider they are very magnificent works, and done in a most substantial manner.

Do you think it likely that a great annual expenditure will be required to keep them in repair?—There certainly must be a considerable expense in keeping them in repair.

Have you formed any notion of what the extent of that expense will be?—No, sir, I have not at present; I believe Reports have passed through my office, detailing in some measure what would be likely to be the expense; but in a work of that description it is impossible to say, where so much depends on contingency, and floods to which that country is subject.

Do you think it possible, in consequence of the greatness of the floods, and of the nature of the climate, that the works are likely to be exposed to any considerable injury?—I should hope not; from what I have seen I think they are built in so substantial a way, that they are very likely to resist any thing but what is an extreme unforeseen casualty.

Have not some parts been already exposed to the trials of several winters?—Yes, and they have stood remarkably well.

Do you think the great work at the Hog's-back is effectually secured against the recurrence of similar accidents?—To the best of my judgment it is secure now.

Can you give the Committee any notion of what would be the probable expense of keeping the works of the Canal in repair, independent of any extraordinary casualty?—I think very little will be required for repairs for the next two or three years.

Do you think 5,000*l.* a year would cover it?—To the best of my judgment it would.

Has it ever occurred to you that it would be necessary, this being intended as a military communication, that fortifications and works of defence should be erected on the Canal?—Yes, there should certainly be some defence; and I have been instructed to aid in forming some Plans both for the entrance at the Rideau Canal and at Kingston.

Are there any intermediate points in which you would think places of defence necessary?—That has not been taken into consideration yet.

I ask your opinion, as a military man, do you think, in the event of a war with the United States, parts of this Canal would be exposed to sudden injury, unless works of defence were erected at points intermediate between Kingston and By Town?—A provision has been proposed for erecting block-houses at several of the locks; and as there is a considerable extent of country between the Rideau and the St. Lawrence, the population, assisted by a small military force, could keep an enemy at bay in the other parts of the line.

What is the nature of the country generally between the Rideau and the St. Lawrence?—It is a fine country, thickly wooded.

Is it a level country?—You may call it rather a level country.

Are there roads?—There are a few.

Are they easy of access from the American frontiers?—Not very easy at present; as the settlement extends, more roads will probably be made, and the access will then be easier; but at the same time population will increase, and in that respect the means of defence will be better.

But at present, and for some time to come, is not the state of the country, such as in itself to oppose obstacles to incursions from the frontiers?—It is.

Would a small force in a short space of time be able to do such serious injury to any one point as to destroy the whole communication on the Canal?—They might certainly blow up a single lock or ruin the gate; but in that case a portage would be sufficient to keep up the communication for the time.

If

If the upper gate was to be blown up, might not the pressure be very materially increased on the next gate?—It would derange that nest of locks.

From whom did you receive instructions to prepare any scheme of works for the defence of this Canal?—I received instructions from the present Master General, then Governor of Canada, to prepare a Plan of Defence near the Ottawa River.

When did you receive those instructions?—These last two years.

In consequence of those instructions, what did you do?—Plans have been making, which are not yet submitted.

To what do those Plans apply?—To what is called the eight locks at By Town.

Did you also lay any Plan of Defence near Kingston?—Yes.

Did you project any scheme of defence for any of the intermediate points?—None, except the block-houses.

How many block-houses did you propose?—I do not recollect; nearly where every nest of locks were, 18 or 20.

About how many block-houses are already erected?—About one or two.

Where were they executed?—I know one was under execution at Merrick's Mills, and another at a place called Burritts.

Was it proposed in projecting the erection of these block-houses that the block-houses should be devoted exclusively to military purposes, or that they should answer the purpose of a residence for persons having the charge of the locks?—They were intended for both purposes.

Then at all events it would be necessary to erect some buildings in each nest of locks?—Yes, where there are none at present.

Do you imagine there would be a considerable difference in the expense of erecting those block-houses for purposes of defence and residency conjointly, or only for the purpose of residency?—I believe it has been stated by Colonel By that there would be a difference of about 300*l.* at each block house.

Have you formed any opinion as to what would be the amount of establishment necessary for working the Rideau Canal?—I am hardly prepared to say that, because it would require some calculation.

Do you expect considerable traffic to arise on this Canal from the nature of the country through which it passes?—I certainly do; it will increase every year.

Do you expect considerable traffic from the country through which it passes, as well as from serving as a means of communication between the Ottawa and Lake Ontario?—I anticipate there will be a great traffic.

Is not the country through which it passes fit for cultivation, and abounding with timber?—It is.

Do you think it will ever supersede the St. Lawrence as a means of communication between the upper and lower country?—As far as I can judge at present it will.

What is the difference between the tonnage of the vessels likely to traffic on the Rideau Canal, and those which alone can traffic on ordinary occasions down the St. Lawrence?—Double or treble.

What is the size of the steam boats?—The lock is intended to take a boat of 134 feet by 33.

Are you acquainted with the Canals at the Ottawa?—I have occasionally visited them for inspection, as I did those at Rideau.

Are you acquainted with the Grenville Canal?—Yes.

What is the state of the Grenville Canal?—The locks are now completed; but one set of locks are of a different size to the other; those that were first built are of the size of the La Chine Canal, only 20 feet wide; the others that have lately been constructed are of the same dimensions as the Rideau Canal, which are 33 feet.

How many are there of a smaller construction?—Three or four.

Do you consider it to be necessary, in order to continue this navigation profitably, that all the locks should be made of the larger size?—Most undoubtedly.

Are you aware that a sum of 54,000 odd hundred pounds has been given as the Estimate for this work?—I believe it has.

Are you acquainted with the Châte-à-Blondeau Canal?—I am.

What is the state of the Châte-à-Blondeau Canal?—It is nearly finished, I believe.

Upon what scale are the locks of the Châte-à-Blondeau Canal?—The large size; the same size as the locks on the Rideau Canal.

Do you know the Carillon Canal?—I do.

Colonel
E. W. Durnford.

15 June,
1832.

Colonel
E. W. Durnford.

15 June,
1832.

Are you aware of the state of the Carillon Canal?—Yes, it is in considerable forwardness, and will, I apprehend, be finished this year.

How long do you think it would take to finish the two other Canals at the Ottawa to which you have just referred, the Grenville and the Châte-à-Blondeau?—They will be completed this year, I should think, except the enlargement of the locks on the Grenville.

What is the state of the St. Ann's Canal?—It is not yet begun, but small steam boats can pass through a minor channel, where there is a small temporary wooden lock, which is private property.

It being desirable to complete the communication between Montreal and the Ottawa upon a scale large enough to carry the steam boats that are intended to navigate through the Canal, in what way should you think it most desirable to accomplish that object?—I have reported, to the best of my opinion; the navigation should go at the back of the Isle of Montreal, between the Isle of Montreal and the Isle of Jesus.

Do you think it would be more advisable to make the communication in that way, rather than by cutting a Canal to St. Ann's?—Yes.

For what reasons do you think it would be more advisable to do it?—In a military point of view it would be safer in every respect.

But only considering traffic, what should you say?—Even considering traffic by the Rideau and Ottawa, I think it would be best; I think the navigation would be better; there are only four obstructions.

If, on the other hand, you were to propose to conduct the navigation through a Canal to be cut at St. Ann's for steam boats of the size alluded to, would it not also be necessary to enlarge the locks in the La Chine Canal?—Certainly.

There appears to be a letter from you, dated the 2d November 1831, transmitting Estimates for turning the St. Ann's Rapids, which vary in amount from 23,000*l.* to 46,000*l.*; be so good as to account for that variation?—One was keeping on the side of the village of St. Ann's, and the other was conducting it on the opposite side of the river.

Which would be the best mode of executing that work?—I should think on the opposite side; there would be a difficulty even in getting depth of water either way for the large communication.

You also at the same time transmitted an Estimate of 117,000*l.* odd hundred pounds for making the water communication in the rear of the Isle of Montreal; do you believe that sum would be sufficient for that purpose?—I should think it would.

Have you examined it?—I directed the officer who made the Estimate to calculate fully upon it.

Have you reason to rely on the judgment of the officer who made that Estimate?—Certainly. It was Colonel By who made it.

Have you ever examined the river yourself?—I have been at it, and seen it in a cursory way.

Your reason for supposing that sum would be sufficient arises from the reliance you place on Colonel By's judgment?—Yes, and I instructed him to estimate fully upon it.

And notwithstanding the difference in expense as an engineer, you would advise that the Government should order the execution of the water communication by the rear of the Island of Montreal?—In forming that judgment I took into contemplation the alteration of the La Chine Canal.

What would be the expense of altering the locks on the La Chine Canal?—It appears to me it would cost almost as much to alter the La Chine Canal, and to construct locks through St. Ann's, as to carry the communication by the back of the Island of Montreal, and there would be conflicting interests to consider into the bargain.

Could you state the positive advantages that would be derived by going through the River De Prairies?—It would be more shelter in case of war from an enemy, and that you could make one shipment from Lake Ontario all the way down to Quebec.

Have you considered the possibility of executing the whole of the communication between Montreal and By Town, upon the scale of the smaller Grenville Locks?—No; I have always supposed Government intended to make them on the larger scale.

Suppose

Suppose the Government were to entertain the idea of executing the communication between Montreal and By Town upon the smaller scale, would it be possible now, consistently with the state in which the works are at present?—I should think not; because the large locks are nearly finished at every point of the line, except those contiguous to the top of the Grenville Canal.

Could you say what would be the difference of expense in constructing the communication by the De Prairies River for the smaller boats and for the larger boats?—The difference in the expense would be very inconsiderable, because you must have the same dams for a very material part of your work, viz. the dams, and you must raise them to the same height.

Is the only considerable saving which could accrue by constructing the remainder of this communication on the small scale in place of the large scale of the Rideau Canal, the saving in the alteration of the small locks on the Grenville Canal?—There would be a small saving to the extent of the difference in the expense of constructing the locks on the small scale, instead of the large scale.

Having transmitted an Estimate of 117,000*l.* for completing the water communication to the rear of Montreal Island on the large scale, what saving would there be, constructing it on a small scale?—I apprehend the saving would be inconsiderable.

You transmitted Estimates for making a Canal at St. Ann's and a water communication by the rear of Montreal; do you consider yourself to be responsible for the accuracy of those Estimates?—I think I ought to be; going through my office, they are all examined regularly at my office; if I had any doubts of their accuracy, it would be my duty to inquire into and investigate them.

Have you any doubts of the accuracy?—I have not.

Then, in point of fact, you, as the responsible officer, sent these Estimates to the Government, as sums on which they might confidently rely?—Yes, to the best of my judgment.

That responsibility applied not only to the accuracy of the sums, but as to the eligibility of the proposed plan?—Yes.

Whether it should be the one side of St. Ann's or the other side of St. Ann's, that was all equally done on the responsibility of the Commanding Officer of the district?—Yes.

From what period of those works do you consider your responsibility to have commenced?—I do not know whether I am actually considered responsible for the execution; the executive officer is the person who is responsible for that.

How do you consider the responsibility as between Colonel By and yourself, for the general recommendation of parts of this work?—I had little to do with the Rideau Canal; Colonel By was sent out especially to form Plans and Estimates respecting that work, independent of me.

What parts of the work have been under your immediate responsibility?—The whole of those works since handed over to the Ordnance, consisting of Carillon, Châte-à-Blondeau, and the Grenville Works.

When all those works were placed under the control of the chief officer of the Ordnance, was the control of them practically taken away from Colonel By?—They were not.

William Sargent, called in; and Examined.

WHAT situation do you hold?—I have the superintendence of the Commissary Department. *William Sargent.*

Are you aware of the manner in which money has been issued to the officers conducting the water communication in Canada?—As far as comes within my knowledge, I have reason to believe that it has been issued in the same way as at the other stations, and at all other Ordnance Boards.

State the way in which that money is issued?—By drafts drawn by the respective officers of the Ordnance at the station, upon the Commissary in charge of the military chest, if the sum is above 5*l.*

By whom are those drafts cashed?—By the Commissary. The drafts are drawn by the respective officers of the Ordnance, in favour of the individuals to whom the money is due, and presented by those individuals to the officers in charge of the military chest, from whom he receives payment.

Does the Commissary, as a matter of course, pay drafts from the officer of the Ordnance to any amount?—I conceive so.

12 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

*William Sargent.*15 June,
1832.

Is there no control to any sums so drawn for on the part of the Commissary?—I am not aware of there being any control, as far as regards any positive regulation.

Are the annual Votes of Parliament not communicated to the Commissary, as any control or guidance for his paying those drafts?—I believe not. At the commencement of each year, it is the duty of the Commissary to collect estimates from the heads of the Public Departments, of the expense likely to be incurred throughout the year in such department, and he transmits those to the Treasury.

But if the drafts very much exceed this estimate, the Commissary still honours the drafts?—There is no instance within my knowledge of any such occurrence.

Do you mean that no instance has ever occurred within your knowledge of drafts being drawn exceeding the estimates?—At the beginning of each month, or oftener if necessary, it is the duty of the Commissary to ascertain what are likely to be the demands upon him during the ensuing month, and to provide the funds to meet those demands.

Are the Votes of Parliament, then, no control upon the Commissary?—I conceive not, unless he had special instructions from the Treasury not to exceed that Vote.

Has it been the practice of the Treasury to give such instructions?—I am not aware of it.

In the instance of the drafts drawn by Colonel By upon the Commissary in Canada, his drafts exceeded the sum voted last year by upwards of 22,000*l.* and the Commissary gave money for those drafts; do you consider that he transacted the business in the ordinary manner?—Certainly.

If, besides the sum of 22,000*l.* by the Votes in Parliament, and beyond any estimate which has been submitted, a further sum of upwards of 60,000*l.*, making in the whole a sum of more than 83,000*l.* beyond what had been voted by Parliament, and beyond any estimate which had been received here, had been drawn for by Colonel By on the Commissary in Canada; do you, in these circumstances and in the case of so large a sum, consider the Commissary justified in paying that money?—It depends upon the period within which you confine your question.

Within one year?—At the end of the year I conceive it would have been the duty of the Commissary to have reported that circumstance.

Do you think he should, notwithstanding that, have honoured the drafts?—Yes.

Has the Commissary on foreign stations any discretion in answering or refusing drafts from the officer acting under the orders of the Ordnance Department?—I conceive he has not.

Colonel Ellicombe, called in; and Examined.

*Colonel
Ellicombe.*

CAN you give the Committee a statement up to the last period to which you have received reports of the money expended on the different Canals on the Ottawa?—For the Grenville Canal, the Carillon Rapids, and the Chûte-à-Blondeau, I can, from the documents received from Canada to the 31st December 1831.

Be good enough to do that with regard to each Canal separately?—It appears by a report received to that date relative to the Grenville, that 137,244*l.* had been expended, which, with 775*l.* then in hand, it is understood will complete this Canal, with the exception of widening the locks and banks, for which it is shown by the same papers that 54,245*l.* is necessary. No part of the enlargement has been commenced.

Now the Carillon Rapids?—The Estimate for this work amounts to 45,464*l.*

Is that the Estimate of what remains still to be spent, in order to complete it?—No, of this there had been expended, on the 31st December 1831, 23,721*l.*, which would leave a balance of 21,000*l.*; but in point of fact the work would be executed for 36,244*l.*, which gives a saving of 9,220*l.* on the amount of the original Estimate.

Are you of opinion that, according to the last reports received by the Board of Ordnance, that the Ottawa Canals will be completed on their present scale for the sum now given in as an Estimate?—I have no reason to doubt it.

Now, with regard to the Chûte-à-Blondeau?—The approved estimate for this work was 20,785*l.*; of that had been expended, to the 31st December 1831, 9,872*l.*, which leaves a balance of 10,913*l.*; but by the same papers it appears there will be a saving of 5,800*l.* on the approved Estimate.

What

What is the balance then remaining to complete it, including that saving?—Five thousand one hundred and thirteen pounds.

Is there any other expense connected with the completion of the works in the Ottawa?—Yes, the establishment, the expense of which was estimated at 23,761.; it forms a part of the total already estimated for these works, and must be added to the sums that I have before mentioned.

In what way do you consider the Commissary to be restricted in answering the drafts of an officer under the Ordnance Department on a foreign station?—When the Votes for the Ordnance Estimates are granted, a communication is made by the Ordnance Department to the Respective Officers at each station, acquainting them in the fullest detail the actual amount granted under each head of service, and which they are ordered not to exceed; and this would form the ground of the estimates given to the Commissary Department for the probable wants of the Ordnance Service, if called for by the Commissariat Department.

Colonel
Ellicombe.

15 June,
1832.

APPENDIX.

L I S T.

Appendix.

- 1.—COPIES of EXTRACTS of Correspondence between the Board of Ordnance and Officers under their orders in Canada; and of any Reports from them since the date of the last Papers presented to The House, respecting the Progress of the Canal Communications in that Country, and the past and prospective Expenditure thereon; and any Correspondence with the Treasury and Colonial Office on the same subject - p. 15
- 2.—COPY of LETTER from the Secretary of the Ordnance, dated 21st May 1832, respecting the Expenditure upon the Works of the Rideau Canal in Canada; together with a Copy of the Treasury Minute thereon - - - - - p. 32
- 3.—COPY of Treasury Minute, dated 10th June 1831; Letter from the Admiralty, 17th June 1831; Ditto, Secretary of State for the Colonies, 29th June 1831; Ditto, Ordnance, 5th July 1831; Treasury Minute, dated 8th July 1831, upon the subject of giving to Parliament a more early and effectual Control over the Expenditure for Public Works abroad, as recommended by the Select Committee of the House of Commons, appointed to consider the Water Communication in Canada - - - - - p. 36
- 4.—LETTER from Major-General Sir A. Bryce to R. Byham, Esq.; dated 19th May 1832 p. 38
- 5.—MEMORANDUM from Office of Ordnance; dated 26th May 1832 - - - p. 39
- 6.—LETTER from the Right Hon. T. Spring Rice to the Secretary of the Ordnance; dated 9th June 1832 - - - - - p. 40
- 7.—ESTIMATE of the Amount that will probably be necessary, in the year 1832, for the Maintenance, including Repairs, of the Rideau Canal, under supposition that it was quite completed and opened on the 1st of May last; dated 21st June 1832 - p. 41
- 8.—ESTIMATE for increasing the Width of the Grenville Canal for Steam-Boat Navigation, making the bottom 40 feet wide, with slope 2 to 1, except in the Rocky situation, there to be regulated by the nature of the Rock; putting down the three Upper Locks, and re-constructing them of the size of the lower ones - - - - - p. 42
- 9.—STATEMENT of the expenditure on the Ottawa Canals to the 31st December 1831, with the Amount required to complete from that date; also the Amount of the approved Estimates for those Works, and the probable saving or excess on each, made up from the latest Reports received from Canada - - - - - p. 42
- 10.—NOTE in Explanation of the Contracts for Works carrying on at the Rideau Canal in Canada - - - - - p. 43
- 11.—MEMORANDUMS relative to the Water Communication between Montreal and Kingston - - - - - p. 43
and,
MAP of the Rideau and Ottawa - - - - - after p. 45

A P P E N D I X.

Appendix, No. 1.

COPIES or EXTRACTS of CORRESPONDENCE between the BOARD of ORDNANCE and OFFICERS under their orders in *Canada*; and of any REPORTS from them since the date of the last Papers presented to The House, respecting the Progress of the CANAL COMMUNICATIONS in that Country, and the past and prospective Expenditure thereon; and any Correspondence with the TREASURY and COLONIAL OFFICE on the same subject.

Copy of a LETTER from the Right honourable *T. Spring Rice*,
to Viscount *Howick*, &c. &c. &c.

MY LORD,

Treasury Chambers, 12th September 1831.

I HEREWITH transmit to you, by command of the Lords Commissioners of His Majesty's Treasury, for the information of Secretary Lord Goderich, Copy of a Letter from the Secretary to the Board of Ordnance, on the subject of the Instructions which have been given to their Officers at Quebec, in consequence of the decision of this Board, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department; and My Lords request that Lord Goderich will give Instructions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Colonies, to afford the Officers of the Ordnance all necessary assistance for carrying the intended arrangement into effect. With reference to the last paragraph of the Letter of the Secretary to the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenues arising from Tolls be more productive, I have it in command to state to your Lordship, that this Board are desirous of having the opinion of Lord Goderich with respect to the practicability of obtaining aid from the Colony for the purposes alluded to. When the vast sums expended on this undertaking from the public purse are considered, it may be fairly expected that till the Tolls of the Canal become productive, the maintenance of a Work of such importance to the Colony should be made a matter of Colonial Charge.

I have the honour, &c. &c.

(signed)

T. Spring Rice.

Copy of a LETTER from *R. Byham*, Esq. to the Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 29th June 1831.

ADVERTING to your Letter of the 23d November last, communicating the sentiments of the Lords Commissioners of His Majesty's Treasury in regard to certain Lands purchased for the service of the Rideau Canal, referred to in a Correspondence between the Department and that of the Colonial Secretary of State, and notifying their Lordships' decision, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department;—

I have the honour to transmit to you herewith, for the information of the Lords of the Treasury, a Copy of the Instructions which the Master General and Board of Ordnance have given to their Officers at Quebec in consequence of this decision; and I am to request you will be pleased to move their Lordships to issue

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their directions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Provinces, to afford the above Officers all necessary assistance in carrying the intended arrangement into effect.

The Master General and Board beg leave at the same time to submit to their Lordships' consideration the expediency of some arrangement being formed to prevent the Ordnance Department from being burthened with the maintenance of the Rideau Canal, until the Revenues arising from the Tolls, &c. shall become sufficient to cover the expense.

I have the honour, &c. &c.

(signed)

R. Byham.

LETTER from *R. Byham*, Esq. to the respective Officers, Quebec.

GENTLEMEN,

Office of Ordnance, 29th June 1831.

THE Master General and Board having had under their consideration various Reports which have been received from Lieut.-Colonel By, (through the Inspector General of Fortifications) relative to purchases of land made by him for the service of the Rideau Canal, and having been pleased, on a communication from the Lords Commissioners of His Majesty's Treasury, to sanction Lieut.-Colonel By's proceedings in regard to those purchases, I have it in command to signify the same for your information.

2. I am also directed to acquaint you, that it having been decided by the Lords of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department, the Master General and Board desire you will take the necessary steps, in conjunction with the commanding Royal Engineer in Canada, to effect, in a legal manner, the conveyance to the Ordnance of the lands which may have been obtained, conformably with the Act of Legislature of Upper Canada, for the use of the Rideau Canal; and I am to inform you that directions are given to the latter officer to report what further purchases, if any, of land are absolutely necessary to complete this Navigation, and for its defences, according to the provisions of the Act, that orders may in like manner be given for the conveyances still required.

3. The Master General and Board further desire you will investigate and report if any claims are likely to be brought forward by individuals, for remuneration for injury sustained to their lands in the execution of the Canal, to which the Ordnance are liable by the terms of the above Act.

4. And also, that you will report, after communicating with the Crown Surveyor of Upper Canada, whether Government are liable to the execution of any work or any expense not provided for in Lieutenant Colonel By's Estimate of £. 576,757. under the 11th Article of the Rideau Act; and whether the repair of the Bridges and Communications therein contemplated, is from time to time to be executed at the expense of Government; or whether the Bridges and Communications traversing the Canal, after being erected, may not be permanently transferred to the local Authorities, and all further expenses in their maintenance be incurred by them.

5. I am commanded at the same time to desire you will communicate with the Commander of the Forces and the Lieutenant Governor of Upper Canada, and such other local Authorities as may be necessary, as to the several Rates and Dues to be established for Boats, Barges, Steamers and other Vessels or Rafts navigating the Canal, and for the use of any Wharfs or Quays the property of Government. And I am to desire you will report fully on this point; stating your opinion whether these Dues should be farmed out in portions or collected by the Ordnance, or in what manner the whole of the Revenues of the Canal and adjoining Government Lands will be most advantageously collected for the Ordnance, stating any preliminary steps that may be necessary, and when the measure can be brought into operation.

6. The Commanding Royal Engineer in Canada will be instructed to consider and report what mode he would propose for performing, from time to time, in the most efficient and economical manner, and with the least possible delay, all repairs that may

may be required to the Works of the Canal; and the Master General and Board desire you will report, in conjunction with that Officer, and with the concurrence of the Commander of the Forces, what Establishment will be necessary, as well for the collection of the rent and revenues as for the execution of repairs, and the expenses consequent thereon.

7. A communication on this subject has been made to the Lords of the Treasury, accompanied by the Master General's and Board's request, that their Lordships would be pleased to issue their Instructions to the Governors of Upper and Lower Canada, and to the other proper Authorities in those Provinces, to afford you all necessary assistance in carrying the intended arrangement into effect.

8. And I am to add, that Lieutenant-Colonel By will be directed to furnish you with every information you may require in regard to the Lands referred to in the first paragraph of this Letter, and also in respect to all matters relating to the Rideau Navigation.

I am, Gentlemen, &c.

(signed) *R. Byham.*

LETTER from *R. W. Hay*, Esq., to the Right honourable *T. Spring Rice*,
&c. &c. &c.

SIR,

Downing-street, 24th September 1831.

I HAVE laid before Viscount Goderich your Letter of the 12th instant, enclosing copy of a Letter from the Secretary to the Board of Ordnance, relative to the instructions which have been given to the Ordnance Officers at Quebec, in consequence of the Rideau Navigation being placed under the charge of that Department.

I am directed to acquaint you in reply, for the information of the Lords Commissioners of His Majesty's Treasury, that, in compliance with their request, the necessary Instructions will be given to the Governor of Lower Canada, and to the Lieutenant-Governor of Upper Canada, to afford every assistance which may be required by the Officers of the Ordnance, to enable them to take upon themselves the charge of the different Works connected with the Rideau Canal. You will also please to acquaint their Lordships, that Lord Goderich concurs with them in opinion, that until the tolls upon the Canal may become productive, it is reasonable to expect that the Province should come forward in bearing the burthen of keeping up a work which has cost so large a sum to the Mother Country. His Lordship will accordingly instruct Lord Aylmer, without loss of time, to send down a message to the House of Assembly of Lower Canada, when the Legislature next meets, recommending them to make provision for this purpose; and as Lord Goderich is of opinion that this expense should be equally borne by the two Provinces, similar Instructions will be transmitted to the Lieutenant-Governor of Upper Canada.

This message will necessarily be unaccompanied by any estimate of the expense of these repairs. His Lordship cannot therefore but anticipate some difficulty in inducing the Legislatures of Upper and Lower Canada to enter into an engagement, of the extent of which they have no means of judging; and it would, perhaps, materially conduce to the success of this application, if the Board of Ordnance could supply as accurate a statement as may be possible of the probable amount of these expenses.

Lord Goderich would not have considered it necessary that this application should be made to the Legislatures of the two Provinces, had there been any means of meeting the expense out of the revenues at the disposal of the Crown; but the charges upon that fund are already considerable, and it is proposed to increase them still further by defraying from it a portion of the expense occasioned by the Church Establishment in the Province, which (as their Lordships are doubtless aware) is at present provided in a different manner.

I am, Sir, &c.

(signed) *R. W. Hay.*

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LETTER from Viscount *Goderich* to Major-General Sir *John Colborne*,
&c. &c. &c.

SIR,

Downing-street, 1st November 1831.

12 September 1831.

I HAVE the honour to transmit to you the Copy of a Letter from the Secretary to the Treasury, inclosing Copy of the Instructions which have been given by the Ordnance Department to their Officers at Quebec, in consequence of the decision of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in charge of the Ordnance Department; and in compliance with their Lordships' request, I beg to recommend the Officers of the Ordnance for your support and assistance in carrying the intended arrangement into effect.

With reference to the last paragraph of the Letter of the Secretary of the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenue arising from the Tolls, &c. shall become sufficient to cover the expense, I am to request that you will recommend to the Assembly of Upper Canada, when the Legislature next meets, to make provision for the expense which, you will perceive by the inclosed Letter addressed by my direction to the Secretary to the Treasury, I am of opinion ought to be equally borne by the Provinces of Upper and Lower Canada.

I am, &c. &c.

(signed)

Goderich.

Copy of TREASURY MINUTE, dated 7th February 1832.

MY LORDS have read with much concern a Memorandum received from the Board of Ordnance, dated the 3d February, from which it appears that, in addition to the very large sums already voted for the Rideau Canal, a further sum of £.25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Canal. My Lords observe, that no portion of this proposed expenditure has ever received their sanction or been submitted to them. Considering that in the sums voted last year there were included £.116,691 for errors in the original Estimate, for excess of expenditure beyond that Estimate, and for Works not contemplated or proposed in that Estimate, it is a matter no less of regret than of surprise that this further sum is required.

My Lords observe also, that in the Memorandum laid before the Select Committee in 1831, it was stated that the Rideau Canal would have been opened in that year; it now, however, appears, that the termination of the Works cannot be expected till some period in 1832.

From Colonel Durnford's Letter of 15th July 1831, it also appears that even the additional Sum now required may yet be found inadequate for this service.

Under these circumstances, My Lords are not prepared to sanction any Estimate whatever for Works on the Rideau Canal not submitted to Parliament and the Board, unless the actual and indispensable necessity of such Works is more completely made out than at present: neither could they, under any circumstances, propose to Parliament to grant money upon the Estimate of Lieutenant-Colonel By, whilst Colonel Durnford states that it will be probably found inadequate for the purpose for which it is intended.

My Lords are desirous of knowing when the account of the necessity of this further grant was first received by the Board of Ordnance.

They also request to be informed, whether any expenditure has been incurred, or any contract or liability entered into in Canada for Works on these Canals beyond the amount sanctioned, and if such should have been the case, who are the parties

ON CANAL COMMUNICATION IN CANADA.

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parties responsible, as My Lords would feel it their duty to take, or recommend instant steps to be taken, should any parties have so far abandoned the principles which My Lords have in a former Minute communicated to the Departments, and on which they are determined invariably to act.

My Lords will not, however, object to proposing a vote for £.50,000 for any portion of the Works already submitted to Parliament, and which are in progress, during the present year, and they desire particularly to be understood as lending no countenance to the additional Works suggested, either for the Canal passing in rear of Montreal, at an expense of £.117,270 never before submitted to the Treasury or to Parliament, or for the other Plans of Communication with Montreal, suggested in the Memorandum from the Ordnance.

Transmit a Copy of this Minute to the Ordnance, for their early consideration, report and government.

MEMORANDUM, 3d February 1832.

THE total of the Estimate for the Rideau Canal, including errors, excesses and extra Works, upon the Estimate of £.576,756 submitted to the Committee in Canada, as referred to in a Memorandum from this Office, dated 17th January 1831, amounted to - - - - - £.693,448 - -

and this is the total in the Report of the Committee of

The House of Commons :

Of this Amount there has been voted, including the Grant of }	692,666	-	-
£.256,000 in 1831 - - - - - }			

Remains to be voted - - -	£.	782	-	-
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It is however proper to notice, that since the Estimate for 1831 was submitted to Parliament, and in consequence of the explanation required by the Board's Order of 17th August 1830 ^E/₁₁₃ on the Extra Services above referred to, a further sum of £.25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Rideau, thus making a total of £.26,406. 13. 4. to be yet voted for this Canal, which it is recommended should be taken in the present year.

For the Canals on the Ottawa, the total required to complete them, as per

Memorandum above quoted, was then, inclusive of }	£.163,029	-	-
St. Ann's Rapids - - - - - }			

Of this Sum there was voted in 1830 and 1831 - - -	63,000	-	-
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Leaving to be yet voted - - -	£.100,029	-	-
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Of which it is considered there will be required in the present year £.50,000.

RECAPITULATION.

Proposed Vote for 1832, for the Rideau - - -	£.26,406	-	-
Ditto - - - for Ottawa Canals - - -	50,000	-	-
Total - - -	£.76,406	-	-

(signed) C. G. Ellicombe.

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PRECIS of CORRESPONDENCE which has passed relative to the Progress of the RIDEAU CANAL and other WATER COMMUNICATIONS in *Canada*, since the subject was before the Committee of The House of Commons in February 1831.

RIDEAU CANAL.

- 8 January 1831. LETTER from Lieut.-Colonel By to the Inspector General of Fortifications, transmitting a Plan of the route of the Rideau Canal, with a section, showing the various lifts of the Locks, the distance between the lifts, and the Sum expended on each Work, from the commencement on the 21st September 1826 to 31st December 1830, reporting the sum that had been expended, and the sum remaining to be expended on the Estimate given to the Committee in Canada in June 1828;—also, reporting the probable time of completion.
- 18 May 1831. Minute on the above, from the office of the Inspector General of Fortifications, to the Master General and Board.
- 21 May 1831. Minute of the Master-General's and Board's Orders on the above.
- 15 July 1831. Letter from Colonel Durnford, the Commanding Engineer in Canada, to the Inspector General of Fortifications, containing a full report upon correspondence which had previously passed on the subject of errors in the original Estimate of £.576,757, upon the causes of the excess on that Estimate, and upon the nature of the extra Works. Also transmitting a descriptive and progress Report of the Works on each section of the Canal, with an account of Expenditure; Abstract of Lands purchased, the probable sums required to complete each section of the Work, with other details of information, in consequence of the Master-General's and Board's Order of 17th August 1830 $\frac{x}{813}$; and further reporting, that the various works necessary to complete the Canal as ordered, a further increase to the Estimate of the Rideau, of about £.26,426 beyond the sum before reported by Colonel Durnford (£.693,448.) will be required, with an intimation that this amount may be found inadequate.
- 9 November 1831. Report of the Inspector-General of Fortifications to the Master-General and Board on the above, upon which no orders have been received in this Office.
- Besides the Correspondence here referred to, there have been many Reports received and transmitted to the Board since January 1831; but as they are all chiefly connected with details of accounts, they are not quoted in this Memorandum.

OTTAWA CANALS.

- 2 November 1831. LETTER from Colonel Durnford, Commanding Engineer in Canada, to the Inspector General of Fortifications, transmitting Estimates for turning St. Ann's Rapids, averaging in amount from 23 to £.46,000; also, an Estimate amounting to £.117,270 for completing this part of the Water Communication by another line; viz. in rear of the Montreal Island.
- These Estimates are now under examination in this office, and will be shortly forwarded for the Master-General's and Board's order.

(signed) *C. G. Ellicombe.*

MEM. 3 February 1832.

THE progress of the Rideau Canal appears, by the latest information received in the Office, to be as follows:

The Locks at the Entrance Valley, Hog's Back, Black Rapids and Long Island, in number 15, have been completed, thus opening more than 40 miles of the intended Water Communication from the Ottawa.

The remaining part of the navigation to Kingston will, it is expected, be opened in the course of the present year, when that part called the Rideau Canal, connecting the Ottawa with Lake Ontario, will be completed; and then there will be a continuous steam-boat navigation in Upper Canada of 460 miles, from the Grenville Canal on the Ottawa to Niagara.

On the Grenville Canal the three upper Locks were originally constructed upon a small scale, not calculated for steam boats, for which the Rideau is intended; the enlargement of these three Locks is necessary, in order to connect the same scale of navigation. The Estimate for the enlargement of these Locks is £. 54,245; but this has not yet been specifically authorized, although the amount is included in the total of the Report of the Committee of The House of Commons in 1831, pages 109 & 110.

The remaining part of the Canals on the Ottawa, viz. Chûte-à-Blondeau and Carillon, will probably be completed in another year, without any expense beyond the Estimates already submitted to Parliament; and when these are finished, with the enlargement of the three Locks on the Grenville, before quoted, the intended navigation will be complete from Niagara to Lake-of-two-Mountains, at the western extremity of Montreal Island.

It will then remain to connect the scale of navigation with the St. Lawrence, either by the proposed works at St. Ann's Rapids, and an arrangement for enlarging the Locks on the existing La Chine Canal, or by obtaining this Water Communication by passing in rear of Montreal by Rivière des Prairies.

This part of the intended Water Communication requires still to be considered, and will shortly be brought under the Master-General's notice, in consequence of a Report and Estimate which has recently been received in this office. The Estimate for passing in rear of Montreal amounts to £. 117,270, on the same scale as the Rideau; but if this is not acceded to, the proposed cut at St. Ann's Rapids will be necessary for this work. Estimates have been received, varying in amount from £. 23,000 to £. 46,000, according to the line which may be adopted.

A Sketch is annexed, explanatory of the points referred to in this Memorandum.

C. G. Ellicombe.

I TRANSMIT for the information and orders of the Master-General and Board the projects which the Commanding Engineer in Canada was directed by the Commander of the Forces to make for connecting the Steam Boat Navigation of the Rideau and Ottawa with the River St. Lawrence.

8 February 1832.

It appears that no orders have been given for altering the three upper Locks of the Grenville Canal in the Ottawa, which were constructed on the small scale, nearly similar to those at La Chine, before the enlarged scale to pass steam boats was determined upon. It is now indispensable, in the first place, that these Locks should be assimilated to the rest of the Navigation, at the expense of £. 54,245. 19. 2. a part of which, it is stated, may be covered by savings on the Estimates, already submitted, for the Ottawa Canals.

This communication also contains Lieut.-Colonel By's Report and Estimate for continuing the Steam Boat Navigation by Rivière des Prairies, in rear of Montreal, on the same scale as the Rideau Locks, at an expense of £. 117,270. 6. 2., or of constructing it on an enlarged scale, at the expense of £. 148,144. 1. 5.; and a Report, with Estimates, is likewise transmitted from Lieut.-Colonel Du Vernet, Royal Staff Corps, for a Canal to pass the Rapid at St. Ann's, at the western extremity of Montreal Island, showing three modes of executing the Work, varying in amount from £. 22,950 to £. 46,700, one of which will be necessary, if the Canal is determined upon at this spot, in lieu of passing in rear of Montreal by the Rivière des Prairies.—*C. G. E.* 8 Feb. 1832.

Submit to the Master-General.—*C. T.*

10 February 1832.

Seeing that the Rideau Canal and the Canals on the Ottawa are still unfinished, I cannot recommend to His Majesty's Government the incurring of any additional expense for Water Communication in Canada, in the present state of the Finances of the Country.—*J. K.*

16 February 1832.

Ordered, That a Communication to the effect of the Master-General's Minute be made to Sir A. Bryce; and that Copies of these Papers be sent to the Treasury, in addition to those sent on the 17th instant.—*T.* 47.

20 February 1832.

T. F. K.

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ADVERTING to the Statement called for by the latter part of the Board's Minute of the 19th ult., on this Letter from Mr. Stewart relative to the Canals in Canada, which I transmitted with my communication of 23d ult. I have now to report, in reference to the former part of the Board's Minute before referred to, that it appears the Estimate for the Carillon Rapids has been increased from £.58,000 to £.72,318, but no final opinion or decision can now be given upon this Estimate, as a further Report is promised by Sir J. Kempt, which holds out the possibility that a less expensive plan may be adopted; and in the mean while the commencement of this work appears to be suspended. I have therefore only at present to remark on any contemplated alteration of this Canal, by aid from the North River, that the Local Authorities in Canada should be instructed to ascertain how far it will affect the interest of private individuals, and thus involve the Government in claims against them.

In regard to the Estimate now transmitted for the Chute à Blondeau, the amount is £.20,785, instead of £.11,580 before reported, being an excess of £.9,205, which is stated to be caused by the rock through which this Canal is entirely cut, proving to be extremely hard and compact, instead of a loose horizontal strata which appeared when the first estimate was prepared, I therefore consider this excess unavoidable. This work appears to be in progress by the Staff Corps.

In respect to the Estimate for the Grenville, there is an excess of £.3,399 beyond the first Estimate for the completion of this Canal, as transmitted by Sir J. Kempt in February 1828, which is stated to be in consequence of the prices put down in the first Estimate which was prepared by Lieut-Col. Du Vernet being far too low; besides the above, there is now provided for the first time £.54,245 for altering the three Locks (already constructed in this Canal on the small scale,) so as to correspond with those of the Rideau, and for widening and deepening such parts of the Canal as may require alteration; in regard to which I have only to observe, that this service will be necessary in order to complete the Water Communication on the same scale as the Locks on the Rideau.

This sum includes £.1,500 for five Bridges to communicate with lands, (about 136 acres) belonging to private individuals, laying between the Ottawa and the Grenville; but this land Sir J. Kempt proposes should be purchased to avoid the expense of constructing and repairing these Bridges, and a further Report is promised respecting the proposed purchase.

The Estimates also provide £.23,761 for the establishment and entire expense of the two Staff Corps Companies, employed on these Canals from the 25th of June 1829 (when the Companies were transferred to the Ordinance,) to the end of 1832, being the period contemplated for the completion of the Works, provided the necessary funds can be granted. This expense has hitherto not been provided in the Estimates for these Works, but understood to be borne on the Army Extraordinaries, and therefore it may be said to be only a charge of account.

In regard to the Rideau Canal, which is adverted to in the present Papers, I propose to make it the subject of a separate communication, in reference to reports which I have recently received from the Commanding Engineer in Canada.

6th July 1830.

A. B.

IN reference to my Minute of the 6th instant, on a Letter from the Treasury, relative to the Estimate for the Grenville and other Canals carrying on by the Staff Corps in Canada, which was referred for my Report by the Board's Minute of 19th ultimo, also in reference to my Minute of the 15th June on a Letter from Colonel Durnford, relative to the amount of the Estimate for the Rideau Canal, I now forward, for the Master General's and Board's information and orders, the inclosed Report from Colonel Durnford, dated 24th April, and Papers referred to, relative to the Rideau Canal, also a subsequent Letter from the Colonel, dated 10th May last, in continuation of the same subject.

By these Papers (of which a list is enclosed marked O.) it appears that in addition to the expense at present estimated for this Canal, (£.576,757,) a further sum of £.116,686 will be required, of which £.30,134 is the amount of the excess in the execution of the Works already finished, after deducting some savings upon other parts; also £.2,843, the amount of errors in the original Estimate, and £.83,714 for additional Works, which it is stated were neither contemplated by

Lieutenant-

Lieutenant-Colonel By nor ordered by the Committee of which Sir James Kempt was President, and consequently are not included in the original Estimate for the Rideau Canal.

On these Expenses I have to observe, that an excess of £. 30,000 on so large an Expenditure already incurred (£. 349,000) for work carried on, for the greater part through a country hitherto a wilderness, does not appear extraordinary, but such as might be expected, and Lieutenant-Colonel By has furnished the enclosed Statement marked (B.) showing upon what particular points of the Canal these excesses have occurred.

In regard to the additional Works, which are calculated at £. 83,714, it is much to be regretted that these services were not foreseen and originally provided for. Colonel Durnford states, that the principal item of expense of these additional Works is for waste Weirs at each of the Dams and nest of Locks, the necessity for which became particularly apparent after the failure of the Dam at the Hog's Back: insomuch that it is found necessary that they should be adopted on the whole line of the Canal, and that their beneficial effects have been already satisfactorily proved where executed. I have to observe, there can be no doubt that every precaution should be adopted to prevent accidents to the Dams upon which the efficiency of the Canal will so greatly depend: but I recommend their use to be limited to such cases as both Colonel Durnford and Lieut.-Colonel By consider absolutely necessary. A detailed List, marked (K). No. 5, page 2, of these services is enclosed.

These Expenses (including the errors of £. 2,843 in the original Estimate) will make a total of £. 693,448 for the Rideau.

The Work appears to be in rapid progress, and is expected to be completed in August 1831, if the necessary funds are provided; it may therefore be here proper to add, that the sum of £. 436,666 has already been voted for this Canal, including the grant of 1830, and therefore, according to the present calculation, a further sum of £. 256,777 requires still to be voted for its completion.

Besides the above-mentioned services, there are four others now brought forward for the first time, viz.—

	£.	s.	d.
22 Blockhouses - - -	33,000	—	—
Land for ditto, and Defences - -	20,000	—	—
Reservoir at By Town - - -	8,000	—	—
15 Bridges over the Canal - - -	8,230	—	—
	<hr/>		
	£. 69,230	—	—

These services do not appear to be commenced, but wait the orders of Government; and although they do not seem to be absolutely necessary for the navigation of the Rideau, yet they are so nearly connected with the Canal, that the possibility of their being ultimately found advisable should not be lost sight of. The Block-houses, if constructed now, are intended also to lodge some of the Lock-masters, and in this case the Houses provided for them in the original Estimate need not be constructed. The purchase of the land is altogether a part of the expense attending the Defences; the proposed Reservoir is partly proposed for the Canal, and partly for its defence, it being intended to feed the first eight Locks, and also to serve as a wet ditch for the defence of the entrance of the Canal; and some of the proposed Bridges must, I understand, be erected to comply with the conditions of the Rideau Act. On these services I would recommend that the whole should be deferred until the Canal is completed, and until the general question of the Works require (for its defence can be considered and finally approved; therefore the Lock-masters' Houses, and a small Reservoir to feed the first eight Locks, which is provided in the original Estimate, should be constructed, and only such of the proposed Bridges as Government is bound to construct by the Rideau Act, a List of which Lieut.-Colonel By should report as soon as possible.

23d July 1830.

2d August 1830.

The Board request Sir A. Bryce to give them his opinion (if the documents now transmitted enable him to form one), on the three several sums here reported on, of Errors, Excess and Additional Works; whether these increases to the original Estimate are satisfactorily accounted for; and if he is unable to form a decided opinion, that he would have the goodness to point out to the Board upon each or either of these items, where the difficulty of forming such opinion lies, and the course which he would advise to be adopted, in order to enable the Board to give the Lords of the Treasury a distinct opinion whether this large increase of the original Estimate is, under each head, satisfactorily accounted for, or whether it appears that any charges of neglect or other blame attaches to the parties concerned.

Of these sums, £. 53,000 is for defences only, and may be entirely postponed, to be dealt with hereafter by the Treasury as a separate question; but some of the 15 Bridges must be performed, and it appears to the Board ought originally to have been calculated upon. The Board request Sir A. Bryce's opinion upon this point, and also whether the Act directs in what time they should be built. The Board likewise wish to know whether Sir A. Bryce is able to form any opinion as to the ultimate probability of the large Reservoir being constructed.

S. P.

A. B.

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IN reply to the Board's Minute of the 2d instant, Sir A. Bryce has to observe, with respect to the errors, amounting to £. 2,843, on the original Estimate handed to the Committee, that Colonel Durnford, in his Letter of the 24th April 1830, paragraph 7, states, that Lieutenant-Colonel By offers no explanation upon these errors; it is therefore necessary that Colonel Durnford should investigate and report upon them before any opinion can be given from this Office.

In regard to the excess and additional Works, amounting to £. 113,848, Colonel Durnford's Letter of 10th May 1830, No. 52, transmits Lieutenant-Colonel By's Statement in explanation, as to how the balance of excesses and savings produce the several results, making up the total sum of £. 30,143, stated as excess; but although certain quantities and amounts are shown in the Report (K.) the Documents transmitted will not enable Sir A. Bryce to form a decided opinion, whether the increase is satisfactorily accounted for, nor upon the additional Works, and that therefore it appears advisable a reference should be made to Colonel Durnford, who should, on the spot, go into a minute investigation of the several items of Documents, (K.) and particularly report whether the whole of those which had been marked thus *, in red ink, in this Office, were indispensably necessary for the execution of the Rideau Navigation. It is also recommended that Colonel Durnford should transmit a descriptive Report, explaining the nature of the Works at each Station, as embraced in the Estimate of £. 576,000, handed to the Committee, the alterations now executed or proposed, with his opinion on the necessity or expediency of the alterations, showing particularly the causes which have led to the alteration in the use of the Dams, which were originally intended to be themselves waste Weirs, whereas separate Works are now proposed for this purpose, without explaining the reasons of the alteration, nor the maximum heights at which it is assumed that the Dams might answer the double object originally designed; and with respect to the expense of the construction of the Chaudière Bridges and the Toll-house, Colonel Durnford should report the present annual Toll, and what addition may be expected; also, whether there is any Act of Legislature securing to Government the right of Toll.

In regard to the construction of the Bridges at the expense of Government, where the Canal cuts into any highway, Colonel Durnford should communicate with the Crown Lawyers, as to the full intent and meaning of the 11th Article of the Rideau Act, which refers to these Bridges, and after receiving and considering that interpretation, he should communicate with the Surveyor-General of the Upper Province, as to what Bridges Government, under that interpretation, are liable to construct, and then report accordingly, stating the expense, and whether, as the Dams are no longer to be considered as waste Weirs, they may not become Causeways, and by a slight deviation of the course of the Road, serve instead of the Bridges, which would be otherwise constructed; the time at which these Bridges are to be executed, by the Rideau Act, is prescribed to one month after any Road has been destroyed by the construction of the Canal. In regard to the proposed large Reservoir in front of Upper By Town, Colonel Durnford should also report specifically on the necessity or expediency of constructing this Work as regards the Canal, the defences and the health (so far as he can form an opinion) of the immediate vicinity. It will be necessary that Document (K.) should be sent back to Colonel Durnford, who should be directed to return it to England, with the Report and information now recommended to be called for.

11 August 1830.

C. G. E.

LETTER from Lieutenant-Colonel *By*, to Sir *Alexander Bryce*, Inspector-General of Fortifications, &c. &c. &c.

SIR,

Royal Engineer's Office, By Town, Rideau Canal,
8th January 1831.

I HAVE the honour of transmitting, for the information of his Lordship the Master General, and Right honourable and Honourable Board of Ordnance, a Plan of the Route of the Rideau Canal, with a section showing the various lifts of the Lock, the distance between the lifts, and the sum expended on each work from the commencement on 21st September 1826, to the 31st December 1830,
from

from which it appears that £. 575,551. 4. 2½. has been expended, and that £. 117,898. 7. 7½. still remains unexpended of the Estimate of £. 693,448. 11. 10½. given to the Committee in June 1828, of which his Excellency Sir James Kempt was President.

I have also the honour to report, from the rapid progress already made towards completing these works, I have every reason to believe the whole will be finished in August next; but as the expense depends in a great measure on contingencies, the extent of which cannot be exactly ascertained, as they chiefly arise from the immense pressure of water, and the periodical sickness, it is impossible for me to report the precise sum that may be required; but at this moment, as far as I can judge from what has occurred in the construction of these Works, I am of opinion that the balance of £. 117,898. 7. 7½. still remaining unexpended of the above-mentioned Estimate, will prove sufficient to complete this Water Communication from the Ottawa to Kingston.

A detailed Report of the expense of each work is now forming, to lay before Colonel Durnford, Commanding Royal Engineers, Canada, to enable him to report on the necessity of each item.

I have the honour to be, &c. &c. &c.

(signed) *John By*, Lieutenant-Colonel,
Royal Engineers Commanding, Rideau Canal.

Forwarded for the Master-General's and Board's information and orders. There is some mistake in the sum here stated by Lieutenant-Colonel By, as the amount of the Estimate laid before the Committee being £. 693,448, no such amount having been given.

It is therefore proposed to call on Lieutenant-Colonel By for an explanation; in the mean time it has been considered proper to report the receipt of this Letter,

18 May 1831.

(signed) *C. G. E.*

20 May 1831.

Submit to the Master General.

(signed) *H. D.*

21 May 1831.

In acknowledging the receipt of this Letter, Sir A. Bryce will inform Lieutenant-Colonel By, that the Estimate given by him to the Committee in 1828, amounted to £. 576,757 only, and not, as he states, to the sum of £. 693,448. 11. 10. That the latter sum is the amount of his supplementary Estimate, given in by him in 1830, which has never been sanctioned by the Government. That the greater part of the money which has been expended, has not yet been voted by Parliament, and that he is on no account to undertake any new work, or to incur any expense in the completion of those now in progress, unless the same should be deemed of pressing importance, and essentially necessary for the due completion and security of the Canal.

(signed) *J. K.*

Ordered, That the directions contained in the Master-General's Minute, be carried into effect,

(signed) *H. D.*

23 May 1831.

EXTRACT of a Letter from Colonel *Durnford* to Lieutenant-Colonel *Fanshawe*,
Royal Engineers, &c. &c. &c.

SIR,

Royal Engineer's Office, Quebec, 15 July 1831.

HEREWITH I have the honour to return the Document (K.), transmitted to me for my information and further report; and I have to state, for the information of Major-General Sir Alexander Bryce, that having arranged with Lieut.-Colonel By, who came to Quebec during the winter for that purpose, the mode of affording the information and explanations required, so as to render them as clear and intelligible as possible, I proceeded, as soon after the opening of the Navigation as my other duties would permit, to By Town, and through the whole line of the Canal, accompanied by Lieut.-Colonel By, for the purpose of forming my opinion of the correctness of his statements in the accompanying Documents, as far as the present advanced

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advanced state of the Works would allow me, and, in fact, to make them in a measure my own. The following is a description of the accompanying Documents:—

No. 1, explains the errors in the original Estimate of £.576,757 handed to the Committee, amounting to £.2,843, and increasing it to £.579,600.

No. 2, comprising from No. 1 (K.) to No. 23 (K.) and a Document marked (E.) referred to in page 179 of No. 4 (K.), affords the explanations required on the items of Document (K.), marked * in red ink, in your office, showing the causes of the excess of £.30,134 on the Estimate handed to the Committee corrected, being the Balance between the savings and excesses on the several Works contemplated and provided for in that Estimate; and the nature of the extra Works found necessary in the progress of the Work, which were not contemplated, nor provided for in that Estimate, and amounting to £.83,714.

No. 3 contains a Description and progress Report of the Works on each Section of the Canal, 21 in number, 311 pages, comprising an Account of the Expenditure under the head of Contingencies: a Statement (No. 1.) of Compensation, with Copies of Letters relating to it annexed; an Abstract (No. 2.) of Lands purchased; an Abstract (A.), showing the probable sums required to complete each Section, to the 31st December last, in addition to those stated in Document (K.); and an Abstract Statement of the Expenditure on each Section up to the 31st December last, and of the sums required to complete them.

No. 4 contains a correspondence on the subject of the Tolls of the Chaudière Bridges, and the construction of the Bridges which Government will be required to erect, where the Canal cuts into any existing or intended Highway, containing the opinion of the Attorney-General of the Upper Province on these points, and the instructions of the Commander of the Forces, in consequence, to bring the subject of the former before him again at the next meeting of the provincial Parliament. I was informed by Lieutenant-Colonel By that the Tolls are at present let for £.200 a year, and that no increase to that rent is yet expected.

No. 5 contains a Copy of a Letter, and the original document therewith received, which I forward as requested by Lieutenant-Colonel By, to show the difficulties he has had to contend with, affecting the Expenditure and progress of the Work, from the sickness which prevailed throughout the Western half of the Canal.

With respect to the “causes which led to the alteration in the use of the Dams,” it was considered, that, if allowed to serve as waste Weirs, as well as Dams, as at first intended, they would from their perpendicular construction in front, be liable, at any height, to have their foundations washed away; and further, that their tops would also be liable to be injured by the drift wood constantly passing over them, which must be expected in great quantities for many years, particularly during the Freshes in the Spring, and therefore, that it was advisable to construct a waste channel at each Dam.

With regard to the “necessity or expediency of constructing the large Reservoir “in front of Upper By Town, as regards the Canal, the defences and the health “of the vicinity,” I have to observe, that as the distance from the Locks at By Town to those at Hartwell is $3\frac{1}{2}$ miles, and from the latter to the Hog’s Back about $1\frac{1}{2}$ mile, it would be difficult to ensure any drainage of the Canal, between the two former by vessels passing between By Town and Ottawa only, or by the leakage of the embankments, being regularly replenished from the still water above the Hog’s Back, and that therefore I consider a Reservoir, as near as possible to the head of the Locks at By Town, very desirable; about six acres have been already formed, and the necessity and expediency of forming the remainder, depend upon various circumstances, as the extent of the leakage of the Embankment, the increase of trade, and particularly the Works of defence decided on, for the construction of which the excavation would be required, and to the strength of which the Reservoir itself would greatly contribute. The land required for this double purpose was originally swampy, but was cleared and has recently been drained into the Canal at the expense of Government, which must, I conceive, have in some degree tended to promote the very healthy state of the vicinity.

It is my duty to draw the attention of Sir Alexander Bryce to the descriptive and progress Report (No. 3.) herewith transmitted, as it details and explains the necessity of various executed or contemplated services therein included, which collectively entail a further increase to the Estimate of the expense of the Rideau Canal, amounting to about £.26,626 beyond the amount I before reported; and I think it right to add, that I consider it by no means improbable, that even the
amount

amount now contemplated may be found inadequate, though I trust any further demand will be trifling, as the Works are generally so nearly drawing to a close, that some unforeseen accident alone should occasion it. In conclusion, it becomes me to observe, that although Lieut.-Colonel By's Report is dated in January last, having found it necessary to take it back with him for revision, I did not receive it in a shape to forward, until I brought it with me to Quebec on my return from my late tour of inspection, nor could I have forwarded it satisfactorily before I had made the investigation required.

I have the honour to be, &c.

(signed) *E. Durnford*, Commanding Engineers, Canada.

Forwarded for the information of the Board, in compliance with their order of the 17th August 1830, ^E/₈₁₃ and in reference to their Minute of the 2d August 1830, on my Report of the 23d July, forwarding Colonel Durnford's Letter of 24th April 1830.

It will appear by the present Report, that Colonel Durnford has carefully investigated the several explanations afforded by Lieut.-Colonel By, in respect to the excess of his expenditure beyond the Estimate of £.576,757, which he handed to the Committee in 1828.

The accompanying Documents contain explanations on each of the points suggested in the Report from my office of 11th August 1830, the correctness and sufficiency of which, as stated by Lieut.-Colonel By in document (K.), are verified by Colonel Durnford's opinion.

I have attentively considered the whole of what is stated, and submit the following conclusion: That the errors in Lieut.-Colonel By's Estimate of £.576,757 are errors of calculation amounting to £.2,843. (*Vide* No. 1.)

No. 2, containing explanations for No. 1 to No. 23, together with the descriptive and progress Report, are the result of Colonel Durnford's investigation as regards the excesses £.30,134, and extra Work £.83,714, reported in Colonel Durnford's Letter of the 24th April 1830; and when it is considered that a work of such magnitude and novelty as the Rideau Navigation, has been carried on, not in a settled country, where all the localities and resources might be intimately known, but pushed on by the greatest exertion, in a new country, with a new establishment formed on the spot, it is not surprising that errors should have arisen, and the Estimates framed in its early stages of progress should have proved insufficient. The explanations have been fully gone into. The expediency of the partial deviations which have been made from the original project could only be ascertained on the spot; but I concur in the principles which have led, as measures of security, to the adoption of waste Weirs, and the consequent enlargement of the Dams, Embankments, and Chamber Wells, the Stop Gates, the occasional Guard Locks, the raising of the level of the Summit Pond, and the straightening the line of Navigation wherever it could be done.

There are some of the excesses which are not satisfactorily explained, viz. an excess of £.2,099 in lengthening the cut stone Bridge at the Entrance Valley; the allowance to the Contractor of the Materials for taking up masonry, which had to be removed in consequence of the alteration of the size of the Locks; and the extra allowance for parts of the invert Arches from the same cause, and the additional quantity of Masonry at the Hog's Back.

It will be seen in the Document, No. 3, Abstract (A.) that an expense of £.25,624. 13. 4. is contemplated beyond the amount of £.693,448. 11. 10¹/₂. already reported in Colonel Durnford's Letter of 24th April 1830; and Colonel Durnford further states, that it is by no means improbable that the amount now contemplated may be found inadequate; and considering that, although the work was drawing fast to a close when this Report was written, none of the Locks had then been proved, it is very probable that some partial imperfections may be visible, the adjustment of which could not be estimated.

In Document, No. 4, it will be seen, that although the Expenditure in the Chaudière Bridges has amounted to £.6,165. 12. 9. there is a present income arising from Tolls amounting to £.200, and which, as the settlement of the country advances (in which these Bridges will essentially assist), may be expected to increase. Amongst these Papers, (No. 4.) will be seen the opinion of the Attorney-General of Upper Canada, that substantial Bridges must be constructed over the Canal whenever a public travelled road shall be crossed by the Canal, in order that public intercourse by means of the then existing roads may not be interrupted. The

amount of expense which will thus fall upon the Government cannot, I conceive, be stated, unless the Surveyor General of the Province shall state distinctly what are the public travelled roads which require such Bridges.

The necessity for the formation of a Reservoir at the head of the Entrance Valley, is shown by this Letter to rest in some degree upon the trade that may eventually be carried on between By Town and the Lower Province. I am therefore of opinion, that the execution of this work may be postponed until the service actually requires it.

4th November 1831.

A. B.

Copy of a LETTER from *R. Byham*, Esquire, to the Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 20th February 1832.

I HAVE the honour to acknowledge the receipt of your Letter, dated the 7th instant, relative to the further sum of £. 25,624. 13. 4. which it has been stated will be required for the *completion* of the Rideau Canal; and I am commanded to request you will inform the Lords Commissioners of His Majesty's Treasury that the Master General and Board having attentively considered their Lordships' Minute upon this subject, they beg to submit to their Lordships the inclosed Copy of a Memorandum from the Office of the Inspector General of Fortifications, dated the 10th instant, and to explain to their Lordships that the Report and voluminous Documents relative to this matter, have required much time, labour and consideration; but that the result as to expense is stated in the accompanying Abstract (A.) (Copy) which will show that the excesses relate exclusively to Works *contemplated by Parliament in 1831*, as stated in Mr. Tennyson's Letter to Mr. Spring Rice, dated the 4th instant, and are not occasioned by any new Works.

The Master General and Board beg to observe, that had the Lords of the Treasury been pleased to communicate to this Department the Vote of 1831, the Master General and Board would have acted upon the rule to which they uniformly and rigidly adhere, by directing that such Vote should in no case be exceeded; and at any rate they conclude that the Engineers will have acted upon this general practice, if the Lords of the Treasury made the usual communication of the Vote of 1831 to the Authorities in Canada, in terms calculated to check the expenditure beyond the amount of that Vote. I am also instructed to observe, that no orders, either from this Board, or from the Lords of the Treasury, subsequent to the above Vote, could have affected the estimate of this additional expense of £. 25,624, which was framed by Lieutenant-Colonel By in January 1831, communicated by Colonel Durnford's Letter, dated in July last, and received in London in the month of September.

With regard to the *ultimate* expenditure upon the Works contemplated in 1831 for opening the Rideau Canal, I am commanded to state, that the Master General and Board did not collect from any thing which heretofore transpired, that this Vote was to be *final*. On the contrary, it was always stated by this Department, and seemed to be understood on all hands, that a further charge would probably arise. (The Master General and Board here beg to refer to a memorandum dated January 1831, from the office of the Inspector General of Fortifications, and the Report to the Lords of the Treasury therein referred to, printed, page 13 of the Report to the Committee of The House of Commons upon the Rideau Canal in 1831.) Moreover, that in the Report of the Commons' Committee page 7, such further charge is distinctly anticipated. They say, "Some uncertainty seems still to prevail with regard to the ultimate expense; and they recommend that the officer superintending the work, shall be instructed to frame an accurate estimate of what is *still necessary to open the navigation* on the Rideau Canal, and that this Estimate shall, with as little delay as possible, be submitted to Parliament. In the mean time the Committee do not object to the vote of £. 256,000, seeing no reason to imagine it will be *more than enough* to satisfy outstanding claims. They are induced to recommend the propriety of obtaining an immediate Estimate of what remains to be done, from an apprehension that *more money may still be required*."

The Master General and Board beg to submit that such was the tone of all the evidence given, and of all the communications to and from this Department, and of the discussions in Parliament, and, although no communication was made by the

Lords

Lords of the Treasury to the Board of Ordnance of the recommendation of the Committee above cited, yet it has in fact been met by the information furnished by the Board's Officers in Canada. That accordingly the Master General and Board were not prepared for the surprize now expressed by their Lordships, but were rather gratified to find that the total excess was only likely to be, by Lieut-Colonel By's Report received in September 1831, £.25,624, as far as it could be accurately estimated, and that there does not exist any apprehension of more than a "trifling" addition to the expenditure actually foreseen, in order to bring the Rideau Canal to a close.

The Master General and Board beg permission, finally, to remark, that it is of course for the Government to decide whether the whole of the immense outlay already incurred, shall be lost, when the Canal can be opened by means of a comparatively small addition to the charge; and they think it right to state that any suspense of the work, with a view to resumption hereafter, would necessarily increase the expenditure considerably, and render a large portion of the establishment maintained in Canada for this object a dead weight in the mean time.

I have the honour to be, &c. &c. &c.

(signed) *R. Byham.*

MEM. 10 February 1832.

THE cause of the excess of £.25,624 on the Rideau Canal, referred to in the enclosed Minute from the Treasury, as also the amount of £.113,843 for errors, excesses and extra Works before reported, and on which latter the Board, by order of 19th August 1830, called for further information, are explained in the Documents sent to the Board with Sir A. Bryce's Minute of the 4th November last, upon a Letter from Colonel Durnford, dated 15th July 1831; and amongst these Lieutenant-Colonel By has furnished a Document, dated 14th January 1831, containing 311 folio pages, and so detailed that the several explanations are given in more than 500 items of expense, showing in each the amount of the item in the Estimate of £.576,757 given to the Committee in Canada, the amount expended at the date of the Report, and the amount required to complete; and where the item has required an increase of expenditure beyond the amount stated in the Estimate of £.576,757, explanation is given. To detail these particulars in this Minute would be only a repetition of Lieutenant-Colonel By's Documents, the whole of which must be perused by those who wish to be fully informed upon the subject, but the result is, as to *expense*, shown in an Abstract (A.), one of the Papers referred to by Lieutenant-Colonel By, by which it appears, that after allowing £.32,857. 17. for savings on some of the Works executed, or not required to be executed, and provided for in the original Estimate, there is an excess of £.25,624 beyond the total of £.693,448 before reported; and in closing this Report Lieutenant-Colonel By states as follows:—

" I beg in conclusion to remark, that the original Plan and Estimate were
 " formed from as correct data as could be obtained during the period that the woods
 " and swamps were uncleared, and in consequence of their almost impenetrable
 " nature; many of the surveys required had to be taken during the severity of
 " a Canadian winter; and when these circumstances are taken into consideration,
 " with the additional fact that from the country being so extremely unhealthy,
 " nearly all my Officers, Clerks of Works and Overseers, have suffered from
 " repeated and severe attacks of sickness, caught whilst in the performance of their
 " respective duties, it will not, I think, appear so much a matter of surprise that
 " the Plans and Sections have in some instances proved to be incorrect, as that so
 " few errors have taken place."

The foregoing Document forms a portion of those recently called for by The House of Commons.

In regard to the period now fixed for opening the Canal, a delay on which the Treasury requires explanation, it can only be stated, that the time first named was generally considered very limited; and when it is remembered that sickness and unforeseen casualties have operated to retard completion for a short time, yet the Work, as a whole, may be said to have been executed most rapidly; besides, a considerable portion of the Line was opened in the Autumn of 1831, and measures then taken to reduce the Establishment, by withdrawing some of the Officers employed on the Work,

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and the two Companies of Sappers and Miners, which have now been carried into effect.

In regard to the question from the Treasury, as to the period when the Report in question was received by the Ordnance, I have to state, that it was received in this Office on the 3d September; and after it had been fully gone into, and the numerous detailed Documents, having reference thereto, duly examined and fully considered, the whole were forwarded to the Board, with Sir A. Bryce's Report of 4th November last.

In reply to the Board's question, as to what communication has been made to Canada regarding the Vote of 1831, I have to observe, that no official communication has been made to this Office of the Vote being granted, and consequently no communication has been made to Canada from hence; indeed, as the Vote is taken by another Department, and not by the Ordnance, it is to be presumed, that that Department may have made the necessary communication to the Ordnance, or proper Authorities in Canada, with a view to check the issuing of any sums beyond the sum voted; such is the usual course for Works voted by the Ordnance, although such communications are made by the Board direct to the respective Officers at the Station, and not to this Office, further than the Master General and Board's Orders upon the Annual Estimate, which are reported on from this Office to agree with the Votes which the Board notify their intention to propose to Parliament.

In reference to that part of the Treasury Minute, wherein information is required whether any expenditure, &c. has been incurred beyond the amount sanctioned; it appears by Lieutenant-Colonel By's Report of 14th January 1831, that the total expenditure at that period was £.585,980, which falls short of the Votes for this Canal by the sum of £.106,686, and this amount has therefore been available for the progress of the Canal for the year 1831; but it cannot now be stated from this office, nor, it is presumed, without reference to Canada, whether this sum has been exceeded, or what liabilities the Government are now under to meet existing contracts, although it may be observed that by Lieutenant-Colonel By's Report above quoted, he states that "he has every reason to suppose that £.25,624 in addition will prove sufficient;" but this is exclusive of £.782 which remains to be yet voted on the total of the Estimate before submitted to Parliament.

10 Feb. 1832.

(signed) C. G. E.

Copy of TREASURY MINUTE, dated 11th May 1832.

MY LORDS read the Letter from the Secretary of the Ordnance, dated 20th February 1832, containing the Observations of the Master General and Board, in reply to the Minute of My Lords of the 7th of February, upon the subject of the further additional Estimate then for the first time communicated to this Board, of £.25,624 for the Rideau Canal.

My Lords resume the consideration of the former Papers upon this subject.

In that Minute, My Lords expressed their concern, that, in addition to the very large sum sanctioned by this Board and by Parliament, as an excess of the original Estimate of Lieutenant-Colonel By for these Works, they should be called upon to provide a further sum of £.25,624, and that they should be left in doubt whether even that amount would be sufficient to cover the expenditure, Colonel Durnford having expressed some hesitation upon the subject.

My Lords also requested to be informed when this additional Estimate was received in this country, and whether the expenditure upon the Canal had exceeded the amount granted by Parliament for the purpose.

It appears from the explanation of the Master General and Board of Ordnance, that the Papers which show that this further sum of £.25,624 will be required, were prepared by Colonel By, in the month of January 1831, and were transmitted from Canada to this country by Colonel Durnford on the 15th July 1831, and that they were received in this country in the month of September.

When My Lords consider that so large an exceeding as £.116,691 had been already sanctioned by Parliament, they cannot but regret that they should not have been apprized that a further expenditure would be required to complete the Works upon the Canal, because they would, if informed of that fact, have been able to have procured further information before they could be required to prepare an Estimate for Parliament on account of the Canal.

This

This information is the more necessary on account of Colonel Durnford's observations, it appearing from his statement to be by no means improbable that a still further sum may hereafter be applied for; and, My Lords, although they cannot avoid submitting an Estimate for the Rideau Canal to Parliament, will suspend any issue thereon, when voted, until they shall be able to ascertain precisely the whole amount that can be required for the completion of the Works.

With respect to that part of the Letter from the Ordnance which relates to the expenditure of 1831, My Lords are of opinion that there was no necessity for any communication to be made from this Board of the amount voted by Parliament for the purpose. The Votes of Parliament are of themselves sufficient intimation upon the subject, and it appears to My Lords to be the duty of the respective Departments to take cognizance of the Votes for all Services conducted under their direction, and to issue proper instructions upon them.

My Lords consider that it would not have come within the scope of their duty, to have entered into any communication upon the subject with the Ordnance Officers in Canada, it not being the usage of the Board of Treasury on any occasion to give instructions or directions to any of the Ordnance Officers, except through the Master General and Board.

It has been the constant desire of My Lords, in communication with the several Departments of the State, to prevent any possible exceeding of the Estimates voted by Parliament, as was explained by their former Minutes; and if it shall appear that any exceeding has again taken place in Canada, in this case, My Lords are of opinion that a very serious responsibility will have been incurred by the parties concerned. My Lords trust, however, that no such exceeding has taken place, since My Lords perceive that the expenditure had fallen short of the Votes to the close of 1830 by the sum of £.106,686; and although it is stated in the Letter of Commissary-General Routh that an Estimate had been transmitted to him contemplating an expenditure of £.88,000 from March 1832 to complete the Canal, My Lords, in the absence of any statement of the actual expenditure to the close of 1831, are willing to hope that that amount formed part of the sum of £.106,686 unexpended at the commencement of the year, and of the additional Estimate of £.25,624 now before My Lords.

With respect to any issues upon that Estimate, My Lords are not called upon to give any directions without further and more specific information; but it is satisfactory to My Lords to perceive that it has not been prepared with a view to any additional works, but appears, so far as My Lords can now judge, to have been framed to meet some additional expenses upon works already sanctioned.

In the mean time should Parliament place £.50,000 at the disposal of His Majesty, on account of the Canal Communication in Canada, My Lords will authorize the Commissary General in Canada to apply, in the course of the year 1832, to that expenditure, such a sum as may not allow the expenditure for the years 1831 and 1832, to exceed £.156,686, viz. the balance of former Grants unexpended at the beginning of 1831, and the amount of the proposed Grant for 1832, the sum of £.25,624 to be however reserved till further directions.

My Lords however desire that in making this communication to the Commissariat Officer, he may be specially enjoined not to pay any sum whatever which will occasion an expenditure for the two years greater than the sum above mentioned, and also, that he will make no payment whatever for this service, except upon Drafts or Accounts specifically stated to be for this service.

Request the Board of Ordnance to lay before My Lords with as little delay as possible, an Account of the total Expenditure for this service during the year 1831, and to the latest period to which it can be carried forward.

Transmit Copy of this Minute to the Secretary of the Ordnance for the Master General and Board's information, and for the government of their Officers in Canada, and request they will issue Instructions to their Officers in Canada not to draw for money for this Service upon the Commissariat Officers for any sum beyond the amount stated in this Minute, until further authority from hence has been received, and to state on the face of all their drafts for this Service, that the money is required for the Canal Communications in Canada, distinguishing whether such expenditure is for the Rideau Canal or for the Canals on the Ottawa.

Transmit Copy of this Minute to Commissary-General Routh.

32 APPENDIX TO REPORT FROM SELECT COMMITTEE

Appendix, No. 2.

Copy of LETTER from the SECRETARY of the ORDNANCE, dated 21 May 1832, respecting the EXPENDITURE upon the WORKS of the RIDEAU CANAL in Canada; together with a Copy of the TREASURY MINUTE thereon.

LETTER from *R. Byham*, Esq. to the Right hon. *T. Spring Rice*,
&c. &c. &c.

SIR,

Office of Ordnance, 21st May 1832.

REFERRING you to my communications of the 17th and 20th February last, transmitting various Documents connected with the progress of an Expenditure upon the Works of the Rideau Canal;—

I have the honour, by command of the Master General and Board of Ordnance, to forward to you, for the purpose of being submitted to the Lords Commissioners of His Majesty's Treasury, a further Letter from Lieut.-Colonel By on the same subject, to which is annexed a Report from the Inspector General of Fortifications, dated the 18th instant; and, as the Papers accompanying the said Letter are extremely voluminous, and would occupy a considerable period in copying, the Master General and Board, in order to save time, are induced to send the same in original, with the Board's request that they may be returned as soon as they can be conveniently spared; and if it should be their Lordships' desire to be furnished with Copies of those Documents, the Master General and Board will order the same to be prepared, on receiving back the Papers, with a notification of their Lordships' wish to that effect; and with any further communication which their Lordships may consider it necessary to make to this Department on the subject in question.

I have the honour, &c. &c. (signed) *R. Byham*.

LETTER from Lieut.-Colonel *By*, Royal Engineers, to Colonel *Nicolls*,
Commanding Royal Engineers, Canada.

Commanding Royal Engineer Office,
Rideau Canal, 27th Feb. 1832.

SIR,

NO Notifications having been made to me, that my progress Report to the 31st December 1830, forwarded through Colonel Durnford, Royal Engineers, has been received by the Inspector General of Fortifications, I have the honour of forwarding a Duplicate of the same for the information of the Master General and Right honourable and Honourable Board, with additional sheets, showing the amount expended to the 31st December 1831, and the sum required to complete the Canal; also, an Abstract (Z.), exhibiting the Total Expenditure from the commencement of that work to the 31st December last, and the amount which will be required during the present year to complete the Water Communication; and I fully expect that the Canal will be opened throughout its whole extent by the 1st May next.

I have, &c.

(signed) *John By*, Lieut.-Colonel, Royal Engineers.

— No. 20. —

Received on 12th March, and forwarded on to the Inspector General of Fortifications.

(signed) *Gust^s Nicolls*, Colonel,
Commanding Royal Engineers, Canada.

Quebec, 17th March 1832.

Forwarded for the information of the Master General and Board, with reference to my Minute of the 4th November last, forwarding Colonel Durnford's Report of 15th July 1831.

It will be seen, by a perusal of the present communication, that Lieut.-Col. By, when he wrote this Letter, contemplated the completion of the Rideau Canal by the first of this month; and it appears by the Abstract (Z.) that the expenditure up to the 31st December 1831, was £.715,408. 15. 6., being £.22,742. 15. 6. more than has been voted by Parliament; and that a further sum of £.60,615. 10. would probably be expended for the completion of the Canal, making a total of £.776,024. 5. 6. and an excess of £.83,358. 5. 6. beyond what is already voted by Parliament. I have however to observe, that this amount only provides for the Civil and Military Establishments, up to the date of the contemplated completion of the Work. It is therefore probable there will be a further excess on this Item (23.)

Columns

Columns 9 and 10 show the expected saving and excess on the respective Items of the Estimate of 31st December 1830. I have marked opposite each sum in those columns, the number of the page in the annexed copy of Lieut.-Col. By's Report of 14th January 1831, where his detailed explanations of the causes of these Savings and Excesses may be found.

The Sums stated necessary for Blockhouses and Land Defences (£.27,750) included in the Abstract, do not form a part of the Canal Work, and therefore I conclude, from Lieut.-Col. By's explanations, will not be expended until further orders, although I apprehend that the total now stated (£. 803,774. 5. 6.) will eventually be required for the completion of the Canal with Bridges and Block-houses.

18th May 1832.

A. B.

19th May 1832.

Ordered, That these Papers be immediately sent to the Treasury, being previously submitted to the Master General.

T. F. K.

21st May 1832.

Approved.

J. K.

Copy of TREASURY MINUTE, dated 25 May 1832.

MY LORDS have under their serious consideration the Letter from the Secretary of the Ordnance of the 21st instant, transmitting to this Board a Letter from Colonel By, of 27th February 1832, accompanied by various explanatory Documents and Accounts, upon the subject of the Expenditure on the Works at the Rideau Canal to the close of 1831, and of that required to complete the Canal, the opening of which was expected to take place in the course of the present month.

My Lords will take into their future consideration these voluminous Accounts and Papers; but they cannot delay expressing their opinion to the Master General and Board of Ordnance on the conduct of Colonel By in carrying on this Work. It appears from that Officer's Letter, and from the Report of the Inspector General of Fortifications thereon, that Colonel By had actually expended to the close of the year 1831, £.715,408. 15. 6., being £.22,742. 15. 6. more than had been granted for this Work by Parliament; and that, without waiting for any authority from this country, he has gone on during the present year with a further Expenditure, entirely unsanctioned, and which it is stated will probably amount to £.60,615. 10., making an excess of 83,358. 5. 6. beyond the amount granted by Parliament. The Expenditure which was contemplated for this Canal, when the subject was immediately under the consideration of the Select Committee of the House of Commons in 1831, and the whole Expenditure for which any order has at any time been given by any competent authority, is £.693,448., exclusive of £.69,230. for Blockhouses and Works of Defence not sanctioned. In order therefore to complete the Work, Colonel By has, upon his own responsibility, thought proper to expend no less than £.82,576. My Lords assuming from these Papers that the Work has actually been carried on to its completion, since the date of Colonel By's Letter of February last, and that the expense has not been less than the sum at which he then calculated it.

It is impossible for My Lords to permit such conduct to be pursued by any public functionary. If My Lords were to allow any person whatever to expend with impunity, and particularly after repeated increases of the original Estimate, upon any work under his superintendence, a larger amount than that sanctioned by Parliament and by this Board, there would be an end of all control, and My Lords would feel themselves deeply responsible to Parliament. They desire, therefore, that the Master General and Board will take immediate steps for removing Colonel By from any further superintendence over any part of the Works for making Canal Communication in Canada, and for placing some competent person in charge of those Works, upon whose knowledge and discretion due reliance can be placed; to whom must be furnished a Statement of the Estimates and Grants, and who must be strictly charged upon no account whatever to exceed the amount of the Grants.

My Lords further desire that Colonel By may be forthwith ordered to return to this country, that he may be called upon to afford such explanation as My Lords may consider necessary upon this important subject.

Let Copies of these Papers and of this Minute be forthwith prepared, with a view to their being laid before The House of Commons.

(Z.)—ABSTRACT, showing the SUMS Expended during the Half Years ending 30th June and Total Amount of WORKS when Completed ; with the Saving and

	1.	2.	3.	4.	5.
	ESTIMATE given to COMMITTEE.	EXPENDED 31 December 1830.	EXPENDED from 31 December 1830 till 30 June 1831.	EXPENDED from 30 June till 31 December 1831.	TOTAL EXPENDITURES, 31 Dec. 1831.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1. Entrance Valley & first 8 Locks	68,413 11 4	65,567 13 7 $\frac{1}{4}$	4,392 12 11	487 13 10 $\frac{1}{2}$	70,448 - 4 $\frac{3}{4}$
2. From Eight Locks to Hogs Back - - - - }	43,372 17 9	60,485 14 3 $\frac{3}{4}$	1,058 17 -	1,367 16 4 $\frac{1}{2}$	62,912 7 8 $\frac{1}{4}$
3. Hogs Back - - - -	30,658 - 3	33,369 17 4 $\frac{3}{4}$	500 6 4 $\frac{1}{2}$	1,202 7 10 $\frac{1}{4}$	35,072 11 8
4. Black Rapids - - - -	10,113 12 5	13,131 16 10 $\frac{1}{2}$	828 15 8 $\frac{1}{2}$	9 19 4	13,970 11 11
5. Long Island - - - -	22,504 2 6	33,840 10 1 $\frac{3}{4}$	5,332 1 10 $\frac{1}{2}$	1,319 13 8 $\frac{1}{2}$	40,492 5 8 $\frac{1}{4}$
6. Burret's Rapids - - - -	11,249 9 5	10,652 8 9 $\frac{1}{2}$	602 7 5 $\frac{1}{4}$	1,250 2 10 $\frac{1}{2}$	12,504 19 1 $\frac{1}{2}$
7. Nicholson's Rapids - - - -	10,725 9 4 $\frac{3}{4}$	13,581 7 1 $\frac{1}{2}$	545 6 4	988 2 6 $\frac{1}{2}$	15,114 16 -
8. Clowe's Quarry - - - -	9,865 - 4 $\frac{1}{2}$	11,434 14 - $\frac{1}{2}$	181 16 2 $\frac{1}{2}$	- - -	11,616 10 3
9. Merrick's Mills - - - -	17,906 10 9	17,501 14 8	1,318 1 1 $\frac{1}{4}$	1,492 9 10	20,312 5 7 $\frac{1}{4}$
10. Maitland's Rapids - - - -	5,776 5 7	9,545 14 8 $\frac{3}{4}$	151 15 10	1,197 1 - $\frac{1}{2}$	10,894 11 7 $\frac{1}{4}$
11. Edmond's Rapids & Phillip's Bay	14,182 6 3	7,152 10 8 $\frac{3}{4}$	1,623 10 1 $\frac{3}{4}$	687 7 6 $\frac{3}{4}$	9,463 8 5 $\frac{1}{4}$
12. Old Sly's Rapids - - - -	12,248 18 10 $\frac{1}{2}$	17,060 16 7 $\frac{3}{4}$	2,200 13 3	247 11 - $\frac{3}{4}$	19,509 - 11 $\frac{1}{2}$
13. Smith's Falls - - - -	20,408 10 5 $\frac{3}{4}$	21,171 - 2 $\frac{1}{4}$	645 17 2 $\frac{3}{4}$	2,140 1 7 $\frac{3}{4}$	23,956 19 - $\frac{1}{4}$
14. First Rapids - - - -	10,718 1 10 $\frac{1}{2}$	14,109 18 10	4,153 11 10	6,469 18 6 $\frac{1}{4}$	24,733 9 2 $\frac{1}{4}$
Oliver's Ferry - - - -	100 - -	-	-	-	-
15. Narrowe's Rideau Lake - - - -	409 10 -	3,269 17 3 $\frac{1}{4}$	1,292 3 3 $\frac{1}{2}$	2,001 7 3 $\frac{1}{4}$	6,563 7 10 $\frac{1}{2}$
16. Ishmus, ditto - - - -	13,639 3 -	20,105 9 3 $\frac{1}{2}$	6,813 13 2	2,009 16 5 $\frac{1}{2}$	28,928 18 11
Strait between Mud & Clear Lakes - - - - }					
17. Chaffy's Mills & Small Isthmus Indian Lake - - - - }	20,799 16 2 $\frac{1}{2}$	6,709 19 4 $\frac{1}{2}$	3,360 - -	310 15 3 $\frac{1}{4}$	10,380 14 7 $\frac{1}{4}$
18. Davies' Rapids - - - -	8,988 9 9 $\frac{1}{2}$	4,325 15 7 $\frac{3}{4}$	1,025 - -	2,083 9 10 $\frac{3}{4}$	7,434 5 6 $\frac{1}{2}$
19. Jones' Falls - - - -	39,136 10 3 $\frac{1}{2}$	59,531 17 6 $\frac{1}{4}$	5,797 2 6 $\frac{1}{4}$	7,728 14 11 $\frac{1}{4}$	73,057 14 11 $\frac{3}{4}$
Cranberry Marsh & White Fish	1,384 - -				
20. Brewer's Upper Mill & Round Tail - - - - }	17,219 16 - $\frac{1}{2}$	9,604 13 8 $\frac{3}{4}$	220 17 - $\frac{3}{4}$	8,316 1 6 $\frac{1}{4}$	18,141 12 3 $\frac{3}{4}$
21. Brewer's Lower Mill - - - -	11,262 19 11 $\frac{1}{2}$	4,316 16 - $\frac{1}{4}$	3,474 17 -	1,652 2 3	9,443 15 3 $\frac{1}{4}$
22. Kingston Mills, Jacks & Billi- dore - - - - }	49,382 7 5	37,981 11 9 $\frac{1}{2}$	9,656 - 7	6,255 6 10 $\frac{1}{2}$	53,892 19 3 $\frac{1}{4}$
Rifts & Cataroque - - - - }					
23. Civil & Military Establishment Barracks & General Contin- gencies - - - - }	121,473 3 2 $\frac{1}{4}$	87,855 3 9 $\frac{1}{4}$	7,810 10 11 $\frac{3}{4}$	11,198 14 10 $\frac{1}{2}$	106,864 9 8
24. Locks, Gates, Cills, &c. - - - -	- - -	13,515 13 5 $\frac{1}{2}$	3,950 16 8 $\frac{1}{4}$	2,074 16 9 $\frac{1}{2}$	19,541 6 10 $\frac{3}{4}$
25. Purchase of Land & Compen- sation for Damages - - - - }	7,162 2 6	10,157 12 6 $\frac{1}{2}$	- - -	- - -	10,157 12 6 $\frac{1}{2}$
£.	579,600 15 7 $\frac{3}{4}$	585,980 8 6 $\frac{1}{2}$	66,936 14 6 $\frac{1}{2}$	62,491 12 4 $\frac{3}{4}$	715,408 15 6

Expended to the 31st December 1831. (See Column, No. 5) - - - - - 715,408 15 6

Required to complete - - - - - ditto - - 6 - - - - - 88,365 10 -

Total Amount of Canal, when completed, with Bridges & Block-houses. (See Column, No 7) £.803,774 5 6

31st December 1831; the Total Sums Expended; the probable Sums required to complete and Increase on each Section on Estimate 31st December 1830.

6.	7.	8.	9.	10.	11.	
REQUIRED to COMPLETE.	TOTAL AMOUNT of WORKS.	AMOUNT Estimated to COMPLETE, 31 December 1830.	SAVING on ESTIMATE, 31 December 1830.	INCREASE on ESTIMATE, 31 December 1830.	Probable Sum required to be Expended 1832, to complete the Navigation.	Probable PERIOD of COMPLETING,
£. s. d.	£. s. d.	£. s. d.	£. s. d.	Page £. s. d.	£. s. d.	
- - -	70,448 - 4 $\frac{3}{4}$	70,643 3 9 $\frac{1}{2}$	195 3 4 $\frac{3}{4}$	26 - -	- - -	- - Completed, and the Locks have been re- peatedly filled & Steam Boats passed.*
700 - -	63,612 7 8 $\frac{1}{4}$	64,079 5 4 $\frac{3}{4}$	466 17 8 $\frac{1}{2}$	54 - -	- - -	
400 - -	35,472 11 8	34,701 4 8	- - -	771 7 -	Page 65	
200 - -	14,170 11 11	13,977 10 2	- - -	193 1 9	74 200 - -	
3,800 - -	44,292 5 8 $\frac{3}{4}$	38,525 19 7 $\frac{1}{2}$	- - -	5,766 6 1 $\frac{1}{4}$	90 3,400 - -	
1,500 - -	14,004 19 1 $\frac{1}{4}$	13,698 4 3 $\frac{1}{2}$	- - -	306 14 9 $\frac{3}{4}$	99 1,500 - -	
1,300 - -	16,414 16 -	14,660 15 7 $\frac{1}{2}$	- - -	1,754 - 4 $\frac{1}{4}$	109 900 - -	
400 - -	12,016 10 3	11,529 14 - $\frac{1}{2}$	- - -	486 16 2 $\frac{1}{2}$	117 - -	
2,050 - -	22,362 5 7 $\frac{1}{2}$	20,456 8 -	- - -	1,905 17 7 $\frac{1}{4}$	133 2,050 - -	
1,500 - -	12,394 11 7 $\frac{1}{2}$	11,102 17 2 $\frac{3}{4}$	- - -	1,291 14 4 $\frac{1}{2}$	147 1,100 - -	
1,800 - -	11,263 8 5 $\frac{1}{4}$	12,039 4 - $\frac{1}{4}$	775 15 7	155 - -	1,400 - -	- - A Steam Boat may pass these Works on the breaking up of the ice, but they will not be com- pleted until the 1st May next.†
900 - -	20,409 - 11 $\frac{1}{2}$	19,527 - 6 $\frac{3}{4}$	- - -	882 - 4 $\frac{3}{4}$	167 900 - -	
4,900 - -	28,856 19 - $\frac{3}{4}$	33,217 3 3 $\frac{3}{4}$	4,360 4 3	179 - -	4,900 - -	
1,900 - -	26,633 9 2 $\frac{1}{4}$	20,896 4 2 $\frac{1}{4}$	- - -	5,737 5 -	190 1,500 - -	
- - -	- - -	- - -	- - -	- - -	- - -	
1,000 - -	7,563 7 10 $\frac{1}{2}$	6,529 5 1 $\frac{3}{4}$	- - -	1,034 2 8 $\frac{3}{4}$	196 1,000 - -	
2,650 - -	31,578 18 11	28,049 13 11 $\frac{1}{2}$	- - -	3,529 4 11 $\frac{1}{2}$	207 2,650 - -	
2,500 - -	12,880 14 7 $\frac{3}{4}$	11,075 17 5 $\frac{1}{2}$	- - -	1,804 17 2 $\frac{1}{2}$	217 1,800 - -	
1,400 - -	8,834 5 6 $\frac{1}{2}$	8,396 5 10 $\frac{3}{4}$	- - -	437 19 7 $\frac{3}{4}$	224 1,000 - -	
7,300 - -	80,357 14 11 $\frac{3}{4}$	77,342 10 7 $\frac{1}{2}$	- - -	3,015 4 4 $\frac{1}{2}$	242 6,900 - -	
2,700 - -	20,841 12 3 $\frac{3}{4}$	18,754 9 2 $\frac{3}{4}$	- - -	2,087 3 1	252 2,000 - -	
1,400 - -	10,843 15 3 $\frac{1}{4}$	9,339 12 1 $\frac{3}{4}$	- - -	1,504 3 1 $\frac{1}{2}$	262 1,000 - -	
6,400 - -	60,292 19 3 $\frac{1}{4}$	52,972 11 3 $\frac{1}{2}$	- - -	7,320 7 11 $\frac{3}{4}$	277 6,400 - -	
3,415 10 -	110,279 19 8	98,736 16 7	- - -	11,543 3 1	296 3,415 10 -	
3,600 - -	23,141 6 10 $\frac{3}{4}$	18,670 15 5 $\frac{1}{4}$	- - -	4,470 11 5 $\frac{1}{2}$	297 2,600 - -	
34,650 - -	44,807 12 6 $\frac{1}{4}$	10,151 12 6 $\frac{1}{4}$	- - -	34,650 - -	296 14,000 - -	
88,365 10 -	803,774 5 6	719,074 5 2 $\frac{1}{4}$	5,798 - 11 $\frac{1}{2}$	90,498 1 3	60,615 10 -	

* The Sum required to complete includes £. 20,000, being for the purchase of land required for military purposes; also £. 14,000 to cover damages which individuals will sustain from the construction of the Canal, not provided for in the Progress Report of 31st December 1830.

† Amount required to complete the Navigation in 1832	- - -	46,615 10 -	£. s. d.
For the purchase of Land, and Compensation to Individuals	- - -	14,000 - -	60,615 10 -
For Block Houses, Bridges, &c. which may afterwards be constructed	- - -	7,750 - -	
For Compensation to Individuals for Damages	- - -	20,000 - -	27,750 - -
Total Amount	- - -	£.	88,365 10 -

(signed) John By, Lieut.-Col. Royal Engineers, Comr,
Rideau Canal.

23 Feb. 1832.

Appendix, No. 3.

COPY of TREASURY MINUTE, dated 10th June 1831; LETTER from the Admiralty, 17th June 1831; Ditto, Secretary of State for the Colonies, 29th June 1831; Ditto, Ordnance, 5th July 1831; TREASURY MINUTE, dated 8th July 1831, upon the subject of giving to Parliament a more early and effectual Control over the EXPENDITURE for PUBLIC WORKS ABROAD, as recommended by the Select Committee of The House of Commons, appointed to consider the Water Communication in *Canada*.

Whitehall, Treasury Chambers, }
15 July 1831.

T. SPRING RICE.

Copy of TREASURY MINUTE, dated 10th June 1831.

MY LORDS read the following Extract from the Report of the Select Committee, appointed to consider the Water Communication in Canada :

“ Your Committee are distinctly of opinion, that some additional Security
“ is required for the purpose of giving to Parliament a more early and
“ effectual control over Expenditure, of the description of that under
“ consideration. With this view, they submit the following Resolutions
“ to The House :—

“ 1st. That no Public Work of any magnitude shall be undertaken, except
“ on a Survey and Estimate, made by an officer acting under the orders of
“ some responsible Department.

“ 2d. That on the first application for a Vote of Money, an Estimate of the
“ sum likely to be required for the whole Work shall be laid before The House.

“ 3d. In cases which require more than one year for their completion, and
“ where Money is proposed to be voted on account, there shall be submitted
“ to The House in each year, and before the Vote is proposed, a Statement of
“ the Sums already voted, of the Money actually expended up to the date of the
“ last Accounts, of all outstanding Demands, and of the Sum still wanting to
“ complete the Work; and any deviations from the Original Plan or any con-
“ templated additions to the magnitude or expense of the whole Work, shall be
“ inserted in the Estimates of the year.

“ 4th. No Department of the Government shall authorize any officer to
“ enter into Contracts for any Work, beyond the limits of the annual grants of
“ Money, without the sanction of a Minute of the Board of Treasury, which
“ shall, with as little delay as possible, be laid before The House.”

In the Opinions thus pronounced, My Lords concur: feeling the necessity of providing in all cases a more direct and effective Parliamentary check upon the Public Expenditure, they are desirous of carrying these Resolutions into effect invariably; but before any decided step is taken, either by proposing these Resolutions in The House of Commons, or by pursuing any other course thereon, My Lords direct, that Letters be written to the Secretary of State for the Colonial Department, the Lords of the Admiralty, and the Board of Ordnance, expressing the strong opinion of this Board, and inquiring whether any public inconvenience is considered by the several Departments as likely to result from an adherence to Regulations which, in the judgment of My Lords, are as no less in accordance with constitutional principles, than calculated in a most important degree to advance the Public Service.

LETTER from *John Barrow*, Esquire, to The Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Admiralty Office, 17th June 1831.

I HAVE laid before My Lords Commissioners of the Admiralty your Letter of the 14th instant, with the accompanying Extract from a Report of the Select Committee of The House of Commons appointed to consider the Water Communication in Canada; and I have their Lordships' commands to acquaint you, that they entirely concur in the propriety of the whole of the Regulations suggested by the Committee for a more early and effectual control over Expenditure for all kinds of Public Works, and their Lordships have in fact anticipated the greater part of them: their Lordships will, however, give directions to the subordinate Boards implicitly to adhere to these Regulations, so far as they are concerned.

I am, &c. &c.

(signed) *John Barrow*.

LETTER from *R. W. Hay*, Esquire, to The Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Downing-street, 29th June 1831.

I HAVE laid before Viscount Goderich your Letter of the 16th instant, transmitting for his Lordship's opinion, by command of the Lords Commissioners of the Treasury, the Copy of their Lordships' Minute of the 10th instant, founded on a Report of a Select Committee of The House of Commons, proposing certain Resolutions for giving to Parliament a more early and effectual control over Expenditure on Public Works, and stating, that their Lordships are desirous of carrying them invariably into effect, as being no less in accordance with constitutional principles, than calculated in a most important degree to advance the Public Service; and I am directed to acquaint you, for the information of the Lords Commissioners, that Lord Goderich concurs in their Lordships' opinion, and he is not aware that any public inconvenience is likely to result from an adherence to these Regulations in future.

I am, &c. &c.

(signed) *R. W. Hay*.

LETTER from *R. Byham*, Esquire, to The Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 5th July 1831.

REFERRING to your Letter of the 14th ult., transmitting an Extract from a Report of the Select Committee of The House of Commons, appointed to consider the Water Communication in Canada, and desiring to receive the Opinion of the Master General and Board of Ordnance upon the Resolutions therein proposed, with the view of giving to Parliament a more early and effectual control over Expenditure of the description mentioned therein;—

I have the honour to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that the Master General and Board are not aware of any objection to the adoption of the Resolutions referred to; but, with regard to the 4th Resolution, they consider it right to state, that, unless Executive Officers at *Foreign Stations* are authorized to enter into a contract for the *whole* of any Work proposed to be executed in a given number of years, Contractors will naturally seek to indemnify themselves, by higher prices, from the risk they would run of having their work stopped, or discontinued, at the end of any year. At the same time, the Treasury, in the event of the Resolutions being adopted, having, as

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it seems, the power of sanctioning, by their Minute, a deviation from the 4th Resolution, it is submitted, as a question for their Lordships' consideration, whether this power will be effectual to obviate the inconvenience above anticipated.

I have the honour, &c. &c.

(signed) *R. Byham.*

Copy of TREASURY MINUTE, dated 8th July 1831.

READ Letter from the Secretary to the Board of Ordnance of the 5th instant, referring to the Letter of this Board of the 14th ult., enclosing an Extract from a Report of the Select Committee of The House of Commons, appointed to consider the Water Communication with Canada, for the Opinion of the Master General and Board of Ordnance, upon the Resolutions therein proposed, with the view of giving to Parliament a more early and effectual control over Expenditure of Public Works in the Colonies; wherein he states, that the Master General and Board of Ordnance are not aware of any objection to the Resolutions referred to; but with regard to the 4th Resolution, they state, "that, unless Executive Officers at *Foreign Stations* are authorized to enter into a contract for the *whole* of any Work proposed to be executed in a given number of years, Contractors will naturally seek to indemnify themselves, by higher prices, from the risk they would run of having their works stopped, or discontinued, at the end of any year."

Read Letter from Mr. Hay of the 29th ult. on the same subject.

My Lords resume the consideration of all the former Papers on this subject, and also read their Minutes of the 10th and 28th ult.

My Lords are gratified to perceive, that it appears from these Communications that no real difficulty arises in carrying into effect generally the proposed Resolutions, and thus ensuring to Parliament a more full and adequate Check upon the Public Expenditure.

With respect to the difficulty suggested by the Ordnance Department, My Lords are of opinion, that it will not arise where the entire Expense of any Work has been submitted to Parliament, and approved of, although a Vote may not have been taken for the full amount in any one year. Unforeseen and unavoidable Expenditure will, it is conceived, be sufficiently provided for by the exception contained in these Resolutions.

The Lords of the Admiralty having already given orders that these Resolutions shall be acted upon implicitly in that Department in future, it is unnecessary to make any further communication to that Board; but My Lords desire that the Secretary of State for the Colonies and the Master General and Board of Ordnance may be requested to give corresponding directions in their respective Departments.

Appendix, No. 4.

LETTER from Major General Sir *A. Bryce* to *R. Byham, Esq.*,
&c. &c. &c.

SIR,

84, Pall Mall, 19th May 1832.

THE Report which was forwarded with my Minute of yesterday's date, will inform the Master General and Board, that Lieutenant-Colonel By expected to complete the *Navigation of the Rideau Canal* on the first of this month. It is therefore to be considered, that from the period of the completion of the Navigation, the Master General's and Board's Order of 21st June 1826, for executing this Canal, will have been fulfilled; but as this work will be liable to constant current expenditure, as well in the working of the Locks, and preservation of the Banks, as in casual repairs

repairs, which will inevitably arise, it becomes necessary to consider for future provision; therefore, (with reference to the Board's Orders of 6th December 1830 ^T/_{33T}, and 29th June 1831 ^E/_{98T}, communicating that the Canal is to remain solely in charge, and under the control of the Ordnance, and to the Master General's and Board's subsequent Order of 14th October 1831 ^T/_{33T}, communicating that it is contemplated by the Government, that until the amount of Tolls, &c. for passing the Locks shall be sufficient to defray the annual expense of repairs, the necessary Funds should be provided by the Colonial Legislature in Canada,) I recommend, that immediate orders be given to the respective Officers at Quebec, and the Paymaster of the Rideau, that from the period when the Commanding Engineer in Canada considers the execution of the Canal to be completed, a separate account be kept of all expenses incurred in its maintenance, so that the expenditure on the execution, and on the maintenance, may be wholly distinct, and that if any Funds shall, in consequence of the last Order above quoted, have been voted and made available for the maintenance of the Canal, all expenses for repairs, and the establishment necessary to be kept up from the completion of the work, should be charged to that sum.

I am, Sir, &c. &c.

(signed) *Alex^r Bryce, M. G^l.*

Appendix, No. 5.

MEMORANDUM from OFFICE of ORDNANCE.

26th May 1832.

SUBMIT to the Master General, that a communication be made to the Lords Commissioners of the Treasury, acknowledging Mr. Spring Rice's Letter of the 11th May, received on the 23d, in which was transmitted to this Department Copy of a Minute of the Lords Commissioners of the Treasury, dated 11th May 1832.

Acquaint their Lordships, in reference to Mr. Spring Rice's desire, that the Master General and Board will "lay before My Lords, with as little delay as possible, an account of the total expenditure on the Rideau Canal during the year 1831, and to the latest period to which it can be carried forward;" that the Board have the satisfaction to think that they have been enabled to fulfil his desire in the fullest manner, by transmitting, on the 21st May, to Mr. Spring Rice, for the information of the Lords Commissioners of the Treasury, a complete statement of the Expense for the year 1831, received from Lieut.-Colonel By, with his Report, dated 27th February 1832; showing also, they lamented to find a statement of expenditure incurred by Lieut.-Colonel By wholly unauthorized by this Department, not only amounting to £. 25,624, which was before made known as a probable exceeding on the last Estimate, but to a very much larger amount.

Acquaint their Lordships, that the Board would immediately have carried into effect the Instructions of their Lordships contained in their Minute of 11th May, had the circumstances remained the same as when that Minute was made; but under the altered and unfortunate state of the case now known to their Lordships, the Board feel themselves justified, and indeed called upon, to await the final Instructions of the Lords Commissioners of the Treasury, founded upon the latest state of information contained in the Papers transmitted to their Lordships on the 21st May; on receiving such final Instructions, the Board will not fail to carry into effect the Orders of the Lords Commissioners of the Treasury with the least possible delay.

Transmit to Mr. Spring Rice, for the information of the Lords Commissioners of the Treasury, Copy of Sir Alexander Bryce's Letter of the 19th May 1832, respecting the expense of the maintenance of, or of such repairs as may arise upon, the Rideau Canal, and the mode of keeping the Accounts of the same. State to their Lordships, that as there is every reason to believe that the Canal is now finished, it is of the utmost importance that this Department should receive the most precise Instructions from the Lords Commissioners of the Treasury respecting any expense to be incurred on the Canal subsequently to its completion for its maintenance and repair; that such orders seem essential, to guard against the possibility

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possibility of future unauthorized expenditure ; and that this Department will lose no time in giving effect to such arrangements and orders as the Lords Commissioners may consider most suitable to the case. The Board beg to draw the attention of the Lords Commissioners of the Treasury in an especial manner to the contents of Sir Alexander Bryce's Letter, from an impression, that if Funds are not speedily provided for the maintenance of the Canal by the Colonial Legislature in Canada, no time ought to be lost in deciding upon and regulating all charges for repairs in the interim, in order that unauthorized future expenditure may, under any possible circumstances, be effectually guarded against.

(signed) *T. F. K.*

I approve,

29th May 1832.

(signed) *J. K.*

Ordered accordingly.

Appendix, No. 6.

LETTER from the Right Hon. *T. Spring Rice* to the Secretary of the Ordnance, &c. &c. &c.

SIR,

Treasury Chambers, 9th June 1832.

HAVING laid before the Lords Commissioners of His Majesty's Treasury your Letter of the 26th ult., I have it in command to acquaint you, that My Lords entirely concur in opinion with the Master General and Board of Ordnance, that it is of essential importance that precise Instructions should be given with respect to the future management of the Rideau Canal, and to the mode of defraying the expense of its maintenance and repair, and that My Lords will have this important branch of the subject under their consideration as soon as the Select Committee of The House of Commons now sitting by direction of the House, upon the subject of the expenditure already incurred, shall have made any Report to The House, it appearing to My Lords that the whole subject in all its branches should be considered by that Committee. In the mean time, however, and until some final arrangement shall be made, My Lords are of opinion, that the expense absolutely required to maintain the Canal, must be borne by this Country. My Lords have no means, however, of forming any judgment of the probable charge per annum which will be occasioned thereby ; and as that information is necessary, not only for this Board, but also for the Select Committee of The House of Commons, My Lords request the Master General and Board will direct some of their practical Officers to prepare an Estimate of the probable amount that may be required, looking to the nature and extent of the work. My Lords entirely approve of the suggestion, that a separate and distinct account should be kept of all the Charges now to be incurred for this Canal, in the manner proposed by Sir A. Bryce, and for the reasons stated by him.

I am, Sir, your obedient servant,

Spring Rice.

9th June 1832.

REFER to Sir A. Bryce, and that he be desired to consider the subject here mentioned, and, after consulting any Officer of Engineers whom he shall consider necessary, to prepare the best Estimate he can form of the probable Expense of maintaining the Rideau Canal, looking to the extent and nature of the work, and to lay the same before the Board *with as little delay as possible*.

Submit this Minute to the Master General before it is acted upon.

11th June 1832.

Approved.

T. F. K.

11th June 1832. Ordered according to the Board's Minute of the 9th inst.

T. F. K.

Appendix, No. 7.

ESTIMATE of the AMOUNT that will probably be necessary, in the year 1832, for the Maintenance, including Repairs, of the *Rideau Canal*, under supposition that it was quite completed and opened on the 1st May last.

	£.	s.	d.
One Captain, Royal Engineers, extra pay, 366 days, at 11s. 1d. -	202	16	6
One Second Captain, Royal Engineers, extra pay, 366 days, at 8s. -	146	8	-
One First Lieutenant, Royal Engineers, extra pay, 366 days, at 7s. 10d. -	143	7	-
One First Lieutenant, Royal Engineers, extra pay, 366 days, at 6s. 10d. -	125	1	-
Command pay to the senior Officer for 366 days, at 10s. - - -	183	-	-
Pay, instead of travelling expenses, to the Second Captain and two Subalterns, for six months in the year, 549 days, at 5s. - - -	137	5	-
Forage allowance for the four Officers, at 2s. each for 366 days - -	146	8	-
Pay of one Clerk of Works, at 14s. - - - - -	256	4	-
Allowance for a Horse, 2s. - - - - -	36	12	-
Pay of one Overseer of Works, at 12s. - - - - -	219	12	-
Allowance for a Horse, at 2s. - - - - -	36	12	-
Pay of one Master Carpenter, at 10s. - - - - -	183	-	-
Allowance for a Horse, at 2s. - - - - -	36	12	-
Pay of one Master Mason, at 10s. - - - - -	183	-	-
Allowance for a Horse, at 2s. - - - - -	36	12	-
Pay of one Master Smith, at 10s. - - - - -	183	-	-
Allowance for a Horse, at 2s. - - - - -	36	12	-
Pay and allowance of one Clerk for Commanding Engineer - - -	150	-	-
Pay of ten first-class working Foremen of Artificers, 366 days, each at 6s. -	1,098	-	-
Four Carpenters, four Masons, two Smiths, to be stationed as follows:—			
One Carpenter, one Mason, one Smith, at the first eight Locks.			
One Carpenter, one Mason, at Smith's Falls.			
One Carpenter, one Mason, one Smith, at Jones's Falls.			
One Carpenter, one Mason, at Kingston Mills.			
Pay of 22 permanent Lock-keepers, 366 days, at 5s. - - - - -	2,013	-	-
Pay of 34 additional Lock-keepers (eight months) for aiding in passing the boats, &c. 245 days, each at 4s. - - - - -	1,666	-	-
Pay of 40 common labourers for six months, which it is anticipated will be required in passing and extricating drift timber from the entrances of the locks and against the dams, 188 days, each at 3s. 6d. - -	1,260	-	-
Canoes and hire of crews for eight months, suppose - - - - -	320	-	-
Probable expense for casualties, from 5,000 <i>l.</i> to 10,000 <i>l.</i> , saying the latter - - - - -	10,000	-	-
Probable Total Expense - - - £.	18,799	1	6

21st June 1832.

(signed)

E. W. Durnford,
Colonel Royal Engineers.

Appendix, No. 8.

ESTIMATE for increasing the Width of the GRENVILLE CANAL for STEAM-BOAT NAVIGATION, making the Bottom 40 Feet wide, with Slope 2 to 1, except in the Rocky Situation, there to be regulated by the nature of the Rock.

THESE Locks were built, as formerly ordered, 108 feet long and 20 feet wide. It is calculated that they cannot be taken down and rebuilt complete, of the dimensions now approved, of 130 ft. x 33 ft. for Steam-Boat Navigation, at a less expense than stated.

The Canal had been originally laid out at 28 feet wide at bottom, excepting at the deep and expensive cuttings, where, for a distance of above 1,600 yards, it is only 20 feet wide. The excavation herein stated, is for making the whole length of Canal, about 6 miles, 40 feet wide at bottom, and the average price of 3s. 6d. per cubic yard is assumed, as in the deep cutting it is entirely through Rock, and in no other part is there less than two or three feet of Rock at the bottom.

The re-forming a Tow-path or Road is estimated, as in some places the whole, and in others the greater part, will have been cut away in widening the Canal.

The Canal having isolated between it and the Ottawa River a long slip of Land, although not more than 360 acres, yet extending nearly six miles, and belonging to different Proprietors settled on it, five permanent Bridges had been established, which must now be replaced by Drawbridges (and of a greater extent) to allow the passage of Steam Boats, or the Land be purchased, which, however, may not be so practicable, except in one instance, where the Sum required for the Bridge exceeds the Value of the Land.

	Amount Sterling.		
	£.	s.	d.
PUTTING down the three upper Locks, and re-constructing them of the Size of the lower ones :			
Taking down and rebuilding on the approved large scale for Steam-Boat Navigation, No. 1 Regulating Lock -	7,000	-	-
Taking down and rebuilding, &c. No. 2 Lock, 6 feet lift -	4,500	-	-
Taking down and rebuilding, &c. No. 3 Lock, 7 feet lift -	5,000	-	-
163,147 cubic yards of Excavation, through Rock and Earth, in widening the present Canal from 20 and 28 feet width to 40 feet throughout at bottom, at 3s. 6d. -	28,550	14	6
13,777 cubic yards of Excavation in forming a Tow-path and Road, 1s. 8d. - - - - -	1,148	1	8
4,314 yards running of grubbing and removing the Boulders on part of ditto, £. 5 per 100 yards - -	215	14	-
6 miles running of metalling the whole length of ditto, including breaking of Stone and Transport, £. 100 -	600	-	-
Coffer-dam and Machinery to pump out the Water -	300	-	-
300 toises of dry Masonry in forming a Pier on South side of entrance at upper end of Canal, 20s. - -	300	-	-
Taking down and rebuilding four large Drains or Bridges over Rivulets, £. 50 - - - - -	200	-	-
Putting up Five Drawbridges over Canal, constructed to permit the passage of Steam Boats - - - - -	1,500	-	-
	49,314	10	2
Contingencies, 1-10 - -	4,931	9	-
TOTAL - - - £.	54,245	19	2

Appendix, No. 9.

STATEMENT of the EXPENDITURE on the OTTAWA CANALS to the 31st December 1831, with the Amount required to complete from that Date; also the Amount of the approved Estimates for those Works, and the probable Saving or Excess on each, made up from the latest Reports received from Canada.

WORKS.	Expended to the 31st Dec. 1831.	Required to complete from 31 Dec. 1831.	Total Expense of the Works.	Approved Estimate for the Works.	Saving.	Excess.	REMARKS.
	£.	£.	£.	£.	£.	£.	
Grenville - - - -	137,244	775	138,019	138,019			
Enlarging the Locks at the Grenville, and widening and deepening the Canal where necessary to pass Steam Boats of the size intended to work on the Rideau	-	54,245	54,245	54,245	-	-	Not yet ordered to be commenced.
Carillon Rapids - - -	23,721	12,523	36,244	45,464	9,220		As only £.14,261 had been expended on 31st Dec. last, and these Canals are calculated to be finished by the end of 1832, it is expected that there will be a considerable saving on this superintendence, but the amount cannot be now stated.
Chûte-à-Blondeau - - -	9,872	5,113	14,985	20,785	5,800		
Superintendence and Establishment - - - -	14,261	-	23,761	23,761	-	-	
	-	-	267,254	282,274	15,020	-	

Appendix, No. 10.

NOTE in Explanation of the CONTRACTS for Work carrying on at the
RIDEAU CANAL in *Canada*.

FROM the nature of the Works to be executed under most of the foregoing Contracts, it will be observed, that as they were for specific purposes, no stop could have been put to them without exposing Government to the risk of actions for breach of covenant. In those cases where the Contracts appear terminable at pleasure, it must be remembered, that they were so far connected with certain of those entered into for specific purposes, as virtually to become interminable : for instance, where Quarries were to be opened, Land cleared, and Oxen employed in drawing, on the line of the Canal, *wherever required* : these, as *unconnected* services, might have been stopped ; but as some Lock, or other Work, had been *specially* contracted for, to be erected on one of the spots to be so cleared, it became imperative to clear the ground, quarry stone, &c. &c. in order to proceed with the Lock or Work alluded to ; so that, in fact, it would have been very difficult, if not impossible, to suspend the progress of the whole.

The Contracts made by the Commissary stipulate, that in case of failure on the part of the Contractor, another party might be employed to complete the Work, and the expense should be charged to the Contractor ; and he was also held bound in a penalty on the failure of any separate covenant.

Office of Ordnance,
13 June 1832.

R. Byham, Secretary.

Appendix, No. 11.

MEMORANDUMS

Relative to the WATER COMMUNICATION between *Montreal* and *Kingston* ;
Compiled and corrected to 1832, by *S. B. Howlett*.

Miles from Montreal.	Miles to Kingston.	LA CHINE CANAL, ON THE ST. LAWRENCE.
1.	277.	LA CHINE CANAL.—This Canal is 28 feet wide at bottom, 48 feet at the water-line, slopes generally two to one, has 5 feet depth of water, and a towing-path. The whole fall is 42 feet, with 6 Locks. It is the property of a Company, and was begun in 1821, and completed in three years: it cost £.137,000, which was defrayed by the Company, assisted by Government, for which the Public Service is exempt from Toll.
		THE OTTAWA.
		ST. ANN'S CANAL.—A Canal is proposed across the Western extremity of the Island of Montreal, near the Town of St. Ann, to surmount the Rapids of St. Ann.
56.	222.	CARILLON RAPIDS.—To pass these Rapids, a cut is proposed, with 2 Locks, on the left bank of the River.
60.	218.	CHUTE-à-BLONDEAU.—To pass this Fall, there is a cut, with 1 Lock, on the left bank of the River.
64.	214.	GRENVILLE CANAL.—This Canal is on the left bank of the River it is about 7 miles in length, has 6 Locks, and its section is similar to that of the La Chine Canal. From this Canal the Ottawa is navigable up to the Falls of Chaudière.
570.		

Miles from Montreal.	Miles to Kingston.	THE RIDEAU CANAL.
128.	150.	ENTRANCE BAY.—This is a small Bay in the Ottawa, about a mile below the Falls of Chaudière, and about a mile above the point where the Rideau River falls into the Ottawa. The Bay is in 45° 30' North Latitude, and 76° 50' West Longitude. From this Bay the Canal is entered by 8 Locks. The Canal then passes through a natural Gulley, crosses Dow's Swamp (which is flooded by means of a mound); crosses Peter's Gulley by means of an Aqueduct, and joins the Rideau River at the Hog's Back, distant from Entrance Bay about 6 miles.
132.	146.	HARTWELL'S.—Two Locks.
133.	145.	HOG'S BACK.—This Dam is 45 feet high and 400 long; and the Canal rises into the River by means of 1 Lock, besides a Guard Lock. The Dam, by throwing back the River, converts about 7 miles of rapids into still navigable water.
138.	140.	BLACK RAPIDS.—A Dam and 1 Lock.
143.	135.	LONG ISLAND RAPIDS.—A Dam and 3 Locks, and 2 Embankments. This Dam throws back the water sufficiently to overcome the rapids and deepen the shallows, so as to render the River navigable up to Burrett's Rapids.
167.	111.	BURRETT'S RAPIDS.—A Dam and 1 Lock.
169.	109.	NICHOLSON'S RAPIDS.—A Dam and 2 Locks, and an Embankment.
171.	107.	CLOW'S QUARRY.—A Dam and 1 Lock, and an Embankment.
173.	105.	MERRICK'S RAPIDS.—A Dam and 3 Locks.
187.	91.	MAITLAND'S RAPIDS.—A Dam and 1 Lock.
190.	88.	EDMUND'S RAPIDS.—A Dam and 1 Lock.
194.	84.	OLD SLY'S RAPIDS.—A Dam and 2 Locks.
196.	82.	SMITH'S FALLS.—A Dam and 3 Locks.
202.	76.	FIRST RAPIDS.—A Dam and 1 Lock.
210.	68.	OLIVER'S FERRY.—Here the Rideau Lake contracts to 463 feet in width, and a Ferry is established to connect the Road between Perth and Brockville.
226.	52.	UPPER NARROWS.—Here the Rideau Lake contracts again to about 80 feet in width, across which a Dam is thrown, with a Lock of 4 feet lift, forming the Upper Rideau Lake into a summit Pond of about 291 feet above Entrance Bay in the Ottawa.
232.	46.	ISTHMUS R. LAKE.—This Isthmus separates the Upper Rideau Lake, which is the source of the Rideau River, from Mud Lake, which is the source of the River Cataraqui. The Canal will now have to descend 162 feet before it reaches Kingston Harbour. The Canal is cut through this Isthmus, which is a mile and a half in width, having 1 Lock.
237.	41.	ISTHMUS CLEAR LAKE.—A cut is made through this neck of land, which is 330 feet across, to avoid the rapids of the natural channel.
238.	40.	CHAFFY'S MILLS.—A Dam and 1 Lock.
243.	35.	DAVIS'S RAPIDS.—A Dam and 1 Lock.
248.	30.	JONESS FALLS.—A Dam and 4 Locks.
255.	23.	CRANBERRY MARSH—is about 78 feet above the level of Kingston Harbour, and about 8 miles along. Besides flowing into the Cataraqui River, the waters of this Marsh or Lake burst out at White Fish Falls, and flow into the Gananoqui River, which River will be made the waste weir for regulating the level of the water in the Rideau Lake, which is the summit Pond; so that the water in the whole line of Canal, whether in times of flood or not, may always be kept at a steady height.

Miles from Montreal.	Miles to Kingston.	THE RIDEAU CANAL— <i>continued.</i>
260.	18.	BREWER'S UPPER MILLS.—Two Dams and 2 Locks.
261.	17.	BREWER'S LOWER MILLS.—A Dam and 1 Lock.
273.	5.	KINGSTON MILLS.—A Dam and 4 Locks. The Canal or Cataraqui River falls into Kingston Bay at these Mills, 5 miles from Kingston. GANNEAU SHOALS (in Kingston Bay.)—The work at this station consisted in abating these Shoals, so as to obtain a depth of five feet water in dry seasons.

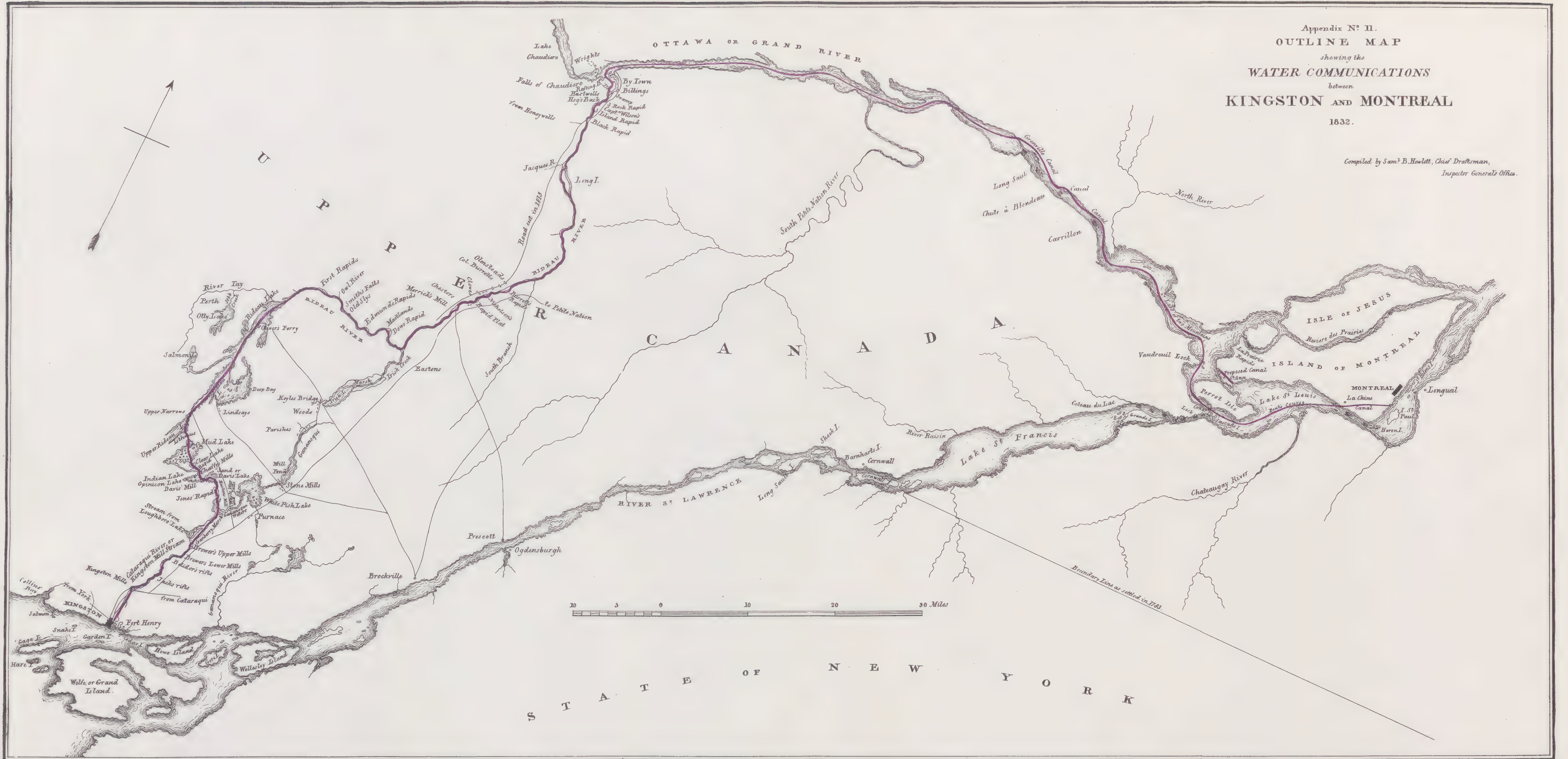
The distance from Montreal to Entrance Bay is about 128 miles; and the time required for the passage of Troops by this line would be about 30 hours. The distance from Entrance Bay to Kingston is about 150 miles; and the time required for the passage of Troops by this line would be about 54 hours.

The Locks of La Chine Canal, and the three upper Locks of the Grenville Canal on the Ottawa, are calculated for vessels of 20 feet beam, with 5 feet depth of water.

The remaining Locks on the line of the Ottawa, and those on the Rideau, are intended for vessels 108 feet long and 80 feet beam, and the least depth of water 5 feet.

Appendix N^o II.
OUTLINE MAP
 shewing the
WATER COMMUNICATIONS
 between
KINGSTON AND MONTREAL
 1832.

Compiled by Sam^l B. Howlett, Chief Draftsman,
 Inspector General's Office.



CANADA CANALS.

RETURN to an Order of The Honourable House of Commons,
dated 3 February 1832;—for,

COPIES or EXTRACTS of CORRESPONDENCE between the BOARD of ORDNANCE and OFFICERS under their orders in *Canada*; and of any REPORTS from them since the date of the last Papers presented to The House, respecting the progress of the CANAL COMMUNICATIONS in that Country, and the past and prospective Expenditure thereon; and any Correspondence with the TREASURY and COLONIAL OFFICE on the same subject.

Copy of a LETTER from the Right honourable *T. Spring Rice*,
to Viscount *Howick*, &c. &c. &c.

MY LORD, Treasury Chambers, 12th September 1831.

I HEREWITH transmit to you, by command of the Lords Commissioners of His Majesty's Treasury, for the information of Secretary Lord Goderich, copy of a Letter from the Secretary to the Board of Ordnance, on the subject of the Instructions which have been given to their Officers at Quebec, in consequence of the decision of this Board, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department; and My Lords request that Lord Goderich will give Instructions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Colonies, to afford the Officers of the Ordnance all necessary assistance for carrying the intended arrangement into effect. With reference to the last paragraph of the Letter of the Secretary to the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenues arising from Tolls be more productive, I have it in command to state to your Lordship, that this Board are desirous of having the opinion of Lord Goderich with respect to the practicability of obtaining aid from the Colony for the purposes alluded to. When the vast sums expended on this undertaking from the public purse are considered, it may be fairly expected that till the Tolls of the Canal become productive, the maintenance of a Work of such importance to the Colony should be made a matter of Colonial Charge.

I have the honour, &c. &c.

(signed)

T. Spring Rice.

Copy of a LETTER from *R. Byham*, Esq. to the Honourable *J. Stewart*,
&c. &c. &c.

SIR,

Office of Ordnance, 29th June 1831.

ADVERTING to your Letter of the 23d November last, communicating the sentiments of the Lords Commissioners of His Majesty's Treasury in regard to certain Lands purchased for the service of the Rideau Canal, referred to in a correspondence between this Department and that of the Colonial Secretary of State, and notifying their Lordship's decision, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department;—

I have the honour to transmit to you herewith, for the information of the Lords of the Treasury, a Copy of the Instructions which the Master General and Board of Ordnance have given to their Officers at Quebec in consequence of this decision; and I am to request you will be pleased to move their Lordships to issue

their directions to the Governors of Upper and Lower Canada, and the other proper Authorities in those Provinces, to afford the above Officers all necessary assistance in carrying the intended arrangement into effect.

The Master General and Board beg leave at the same time to submit to their Lordships' consideration the expediency of some arrangement being formed to prevent the Ordnance Department from being burthened with the maintenance of the Rideau Canal, until the Revenues arising from the Tolls, &c. shall become sufficient to cover the expense.

I have the honour, &c. &c.

(signed)

R. Byham.

LETTER from *R. Byham*, Esq. to the respective Officers, Quebec.

GENTLEMEN,

Office of Ordnance, 29th June 1831.

THE Master General and Board having had under their consideration various Reports which have been received from Lieut.-Colonel By, (through the Inspector General of Fortifications) relative to purchases of land made by him for the service of the Rideau Canal, and having been pleased, on a communication from the Lords Commissioners of His Majesty's Treasury, to sanction Lieut.-Colonel By's proceedings in regard to those purchases, I have it in command to signify the same for your information.

2. I am also directed to acquaint you, that it having been decided by the Lords of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in the charge of the Ordnance Department, the Master General and Board desire you will take the necessary steps, in conjunction with the commanding Royal Engineer in Canada, to effect, in a legal manner, the conveyance to the Ordnance of the lands which may have been obtained, conformably with the Act of Legislature of Upper Canada, for the use of the Rideau Canal; and I am to inform you that directions are given to the latter officer to report what further purchases, if any, of land are absolutely necessary to complete this Navigation, and for its defences, according to the provisions of the Act, that orders may in like manner be given for the conveyances still required.

3. The Master General and Board further desire you will investigate and report if any claims are likely to be brought forward by individuals, for remuneration for injury sustained to their lands in the execution of the Canal, to which the Ordnance are liable by the terms of the above Act.

4. And also, that you will report, after communicating with the Crown Surveyor of Upper Canada, whether Government are liable to the execution of any work or any expense not provided for in Lieutenant Colonel By's Estimate of £. 576,757. under the 11th Article of the Rideau Act; and whether the repair of the Bridges and Communications therein contemplated, is from time to time to be executed at the expense of Government; or whether the Bridges and Communications traversing the Canal, after being erected, may not be permanently transferred to the local Authorities, and all further expenses in their maintenance be incurred by them.

5. I am commanded at the same time to desire you will communicate with the Commander of the Forces and the Lieutenant Governor of Upper Canada, and such other local Authorities as may be necessary, as to the several Rates and Dues to be established for Boats, Barges, Steamers and other Vessels or Rafts navigating the Canal, and for the use of any Wharfs or Quays the property of Government. And I am to desire you will report fully on this point; stating your opinion whether these Dues should be farmed out in portions or collected by the Ordnance, or in what manner the whole of the Revenues of the Canal and adjoining Government Lands will be most advantageously collected for the Ordnance, stating any preliminary steps that may be necessary, and when the measure can be brought into operation.

6. The Commanding Royal Engineer in Canada will be instructed to consider and report what mode he would propose for performing, from time to time, in the most efficient and economical manner, and with the least possible delay, all repairs that may

may be required to the Works of the Canal ; and the Master General and Board desire you will report, in conjunction with that Officer, and with the concurrence of the Commander of the Forces, what Establishment will be necessary, as well for the collection of the rent and revenues as for the execution of repairs, and the expenses consequent thereon.

7. A communication on this subject has been made to the Lords of the Treasury, accompanied by the Master General's and Board's request, that their Lordships would be pleased to issue their Instructions to the Governors of Upper and Lower Canada, and to the other proper Authorities in those Provinces, to afford you all necessary assistance in carrying the intended arrangement into effect.

8. And I am to add, that Lieutenant-Colonel By will be directed to furnish you with every information you may require in regard to the Lands referred to in the first paragraph of this Letter, and also in respect to all matters relating to the Rideau Navigation.

I am, Gentlemen, &c.

(signed) *R. Byham.*

LETTER from *R. W. Hay*, Esq., to the Right honourable *T. Spring Rice*,
&c. &c. &c.

SIR,

Downing-street, 24th September 1831.

I HAVE laid before Viscount Goderich your Letter of the 12th instant, enclosing copy of a Letter from the Secretary to the Board of Ordnance, relative to the instructions which have been given to the Ordnance Officers at Quebec, in consequence of the Rideau Navigation being placed under the charge of that Department.

I am directed to acquaint you in reply, for the information of the Lords Commissioners of His Majesty's Treasury, that, in compliance with their request, the necessary Instructions will be given to the Governor of Lower Canada, and to the Lieutenant-Governor of Upper Canada, to afford every assistance which may be required by the Officers of the Ordnance, to enable them to take upon themselves the charge of the different Works connected with the Rideau Canal. You will also please to acquaint their Lordships, that Lord Goderich concurs with them in opinion, that until the tolls upon the Canal may become productive, it is reasonable to expect that the Province should come forward in bearing the burthen of keeping up a work which has cost so large a sum to the mother country. His Lordship will accordingly instruct Lord Aylmer, without loss of time, to send down a message to the House of Assembly of Lower Canada, when the Legislature next meets, recommending them to make provision for this purpose; and as Lord Goderich is of opinion that this expense should be equally borne by the two Provinces, similar Instructions will be transmitted to the Lieutenant-Governor of Upper Canada.

This message will necessarily be unaccompanied by any estimate of the expense of these repairs. His Lordship cannot therefore but anticipate some difficulty in inducing the Legislatures of Upper and Lower Canada to enter into an engagement, of the extent of which they have no means of judging; and it would, perhaps, materially conduce to the success of this application, if the Board of Ordnance could supply as accurate a statement as may be possible of the probable amount of these expenses.

Lord Goderich would not have considered it necessary that this application should be made to the Legislatures of the two Provinces, had there been any means of meeting the expense out of the revenues at the disposal of the Crown; but the charges upon that fund are already considerable, and it is proposed to increase them still further by defraying from it a portion of the expense occasioned by the Church Establishment in the Province, which (as their Lordships are doubtless aware) is at present provided in a different manner.

I am, Sir, &c.

(signed) *R. W. Hay.*

CORRESPONDENCE RELATIVE TO

LETTER from Viscount *Goderich* to Major-General Sir *John Colborne*,
&c. &c. &c.

SIR,

Downing-street, 1st November 1831.

12 September 1831.

I HAVE the honour to transmit to you the Copy of a Letter from the Secretary to the Treasury, inclosing Copy of the Instructions which have been given by the Ordnance Department to their Officers at Quebec, in consequence of the decision of the Treasury, that the Lands, Canal and Works of the Rideau Navigation shall be placed in charge of the Ordnance Department; and in compliance with their Lordships' request, I beg to recommend the Officers of the Ordnance for your support and assistance in carrying the intended arrangement into effect.

With reference to the last paragraph of the Letter of the Secretary of the Ordnance, in which he submits the expediency of forming some arrangement to prevent that Department from being burthened with the expense of the Rideau Canal, until the Revenue arising from the Tolls, &c. shall become sufficient to cover the expense, I am to request that you will recommend to the Assembly of Upper Canada, when the Legislature next meets, to make provision for the expense which, you will perceive by the inclosed Letter addressed by my direction to the Secretary to the Treasury, I am of opinion ought to be equally borne by the Provinces of Upper and Lower Canada.

I am, &c. &c.

(signed)

Goderich.

Copy of TREASURY MINUTE, dated 7th February 1832.

MY LORDS have read with much concern a Memorandum received from the Board of Ordnance, dated the 3d February, from which it appears that, in addition to the very large sums already voted for the Rideau Canal, a further sum of £.25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Canal. My Lords observe, that no portion of this proposed expenditure has ever received their sanction or been submitted to them. Considering that in the sums voted last year there were included £.116,691 for errors in the original Estimate, for excess of expenditure beyond that Estimate, and for Works not contemplated or proposed in that Estimate, it is a matter no less of regret than of surprise that this further sum is required.

My Lords observe also, that in the Memorandum laid before the Select Committee in 1831, it was stated that the Rideau Canal would have been opened in that year; it now, however, appears, that the termination of the Works cannot be expected till some period in 1832.

From Colonel Durnford's Letter of 15th July 1831, it also appears that even the additional Sum now required may yet be found inadequate for this service.

Under these circumstances, My Lords are not prepared to sanction any Estimate whatever for Works on the Rideau Canal not submitted to Parliament and the Board, unless the actual and indispensable necessity of such Works is more completely made out than at present: Neither could they, under any circumstances, propose to Parliament to grant money upon the Estimate of Lieutenant-Colonel By, whilst Colonel Durnford states that it will be probably found inadequate for the purpose for which it is intended.

My Lords are desirous of knowing when the account of the necessity of this further grant was first received by the Board of Ordnance.

They also request to be informed, whether any expenditure has been incurred, or any contract or liability entered into in Canada for Works on these Canals beyond the amount sanctioned, and if such should have been the case, who are the parties

CANAL COMMUNICATION IN CANADA.

5

parties responsible, as My Lords would feel it their duty to take, or recommend instant steps to be taken, should any parties have so far abandoned the principles which My Lords have in a former Minute communicated to the Departments, and on which they are determined invariably to act.

My Lords will not, however, object to proposing a vote for £.50,000 for any portion of the Works already submitted to Parliament, and which are in progress, during the present year, and they desire particularly to be understood as lending no countenance to the additional Works suggested, either for the Canal passing in rear of Montreal, at an expense of £.117,270 never before submitted to the Treasury or to Parliament, or for the other Plans of Communication with Montreal, suggested in the Memorandum from the Ordnance.

Transmit a Copy of this Minute to the Ordnance, for their early consideration, report and government.

MEMORANDUM, 3d February 1832.

THE total of the Estimate for the Rideau Canal, including errors, excesses and extra Works, upon the Estimate of £.576,756 submitted to the Committee in Canada, as referred to in a Memorandum from this Office, dated 17th January 1831, amounted to - - - - - £.693,448 - - and this is the total in the Report of the Committee of

The House of Commons :	
Of this Amount there has been voted, including the Grant of } £.256,000 in 1831 - - - - -	692,666 - -
Remains to be voted - - -	£. 782 - -

It is however proper to notice, that since the Estimate for 1831 was submitted to Parliament, and in consequence of the explanation required by the Board's Order of 17th August 1830 $\frac{8}{11}$ on the Extra Services above referred to, a further sum of £.25,624. 13. 4. is reported by Lieut.-Colonel By to be required for the completion of the Rideau, thus making a total of £.26,406. 13. 4. to be yet voted for this Canal, which it is recommended should be taken in the present year.

For the Canals on the Ottawa, the total required to complete them, as per Memorandum above quoted, was then, inclusive of } St. Ann's Rapids - - - - -	£.163,029 - -
Of this Sum there was voted in 1830 and 1831 - - -	63,000 - -
Leaving to be yet voted - - -	£.100,029 - -

Of which it is considered there will be required in the present year £.50,000.

RECAPITULATION.

Proposed Vote for 1832, for the Rideau - - -	£.26,406 - -
Ditto - - - for Ottawa Canals - - -	50,000 - -
Total - - -	£.76,406 - -

(signed) C. G. Ellicombe.

PRECIS of CORRESPONDENCE which has passed relative to the Progress of the RIDEAU CANAL and other WATER COMMUNICATIONS in *Canada*, since the subject was before the Committee of The House of Commons in February 1831.

RIDEAU CANAL.

- 8 January 1831. LETTER from Lieut.-Colonel By to the Inspector General of Fortifications, transmitting a Plan of the route of the Rideau Canal, with a section, showing the various lifts of the Locks, the distance between the lifts, and the Sum expended on each Work, from the commencement on the 21st September 1826 to 31st December 1830, reporting the sum that had been expended, and the sum remaining to be expended on the Estimate given to the Committee in Canada in June 1828;—also, reporting the probable time of completion.
- 18 May 1831. Minute on the above, from the office of the Inspector General of Fortifications, to the Master General and Board.
- 21 May 1831. Minute of the Master-General's and Board's Orders on the above.
- 15 July 1831. Letter from Colonel Durnford, the Commanding Engineer in Canada, to the Inspector General of Fortifications, containing a full report upon correspondence which had previously passed on the subject of errors in the original Estimate of £.576,757, upon the causes of the excess on that Estimate, and upon the nature of the extra Works. Also transmitting a descriptive and progress Report of the Works on each section of the Canal, with an account of Expenditure; Abstract of Lands purchased, the probable sums required to complete each section of the Work, with other details of information, in consequence of the Master-General's and Board's Order of 17th August 1830 ²/₁₁; and further reporting, that the various works necessary to complete the Canal as ordered, a further increase to the Estimate of the Rideau, of about £.26,626 beyond the sum before reported by Colonel Durnford (£.693,449.) will be required, with an intimation that this amount may be found inadequate.
- 9 November 1831. Report of the Inspector-General of Fortifications to the Master-General and Board on the above, upon which no orders have been received in this Office.
- Besides the Correspondence here referred to, there have been many Reports received and transmitted to the Board since January 1831; but as they are all chiefly connected with details of accounts, they are not quoted in this Memorandum.

OTTAWA CANALS.

- 2 November 1831. LETTER from Colonel Durnford, Commanding Engineer in Canada, to the Inspector General of Fortifications, transmitting Estimates for turning St. Ann's Rapids, averaging in amount from 23 to £.46,000; also, an Estimate amounting to £.117,270 for completing this part of the Water Communication by another line; viz. in rear of the Montreal Island.
- These Estimates are now under examination in this office, and will be shortly forwarded for the Master-General's and Board's order.

(signed) C. G. Ellicombe.

MEM. 3 February 1832.

THE progress of the Rideau Canal appears, by the latest information received in the Office, to be as follows:

The Locks at the Entrance Valley, Hog's Back, Black Rapids and Long Island, in number 15, have been completed, thus opening more than 40 miles of the intended Water Communication from the Ottawa.

The remaining part of the navigation to Kingston will, it is expected, be opened in the course of the present year, when that part called the Rideau Canal, connecting the Ottawa with Lake Ontario, will be completed; and then there will be a continuous steam boat navigation in Upper Canada of 460 miles, from the Grenville Canal on the Ottawa to Niagara.

On

On the Grenville Canal the three upper Locks were originally constructed upon a small scale, not calculated for steam boats, for which the Rideau is intended; the enlargement of these three Locks is necessary, in order to connect the same scale of navigation. The Estimate for the enlargement of these Locks is £.54,245; but this has not yet been specifically authorized, although the amount is included in the total of the Report of the Committee of The House of Commons in 1831, pages 109 & 110.

The remaining part of the Canals on the Ottawa, viz. Chute à Blondeau and Carillon, will probably be completed in another year, without any expense beyond the Estimates already submitted to Parliament; and when these are finished, with the enlargement of the three Locks on the Grenville, before quoted, the intended navigation will be complete from Niagara to Lake-of-two-Mountains, at the western extremity of Montreal Island.

It will then remain to connect the scale of navigation with the St. Lawrence, either by the proposed works at St. Ann's Rapids, and an arrangement for enlarging the Locks on the existing La Chine Canal, or by obtaining this Water Communication by passing in rear of Montreal by Rivière des Prairies.

This part of the intended Water Communication requires still to be considered, and will shortly be brought under the Master-General's notice, in consequence of a Report and Estimate which has recently been received in this office. The Estimate for passing in rear of Montreal amounts to £.117,270, on the same scale as the Rideau; but if this is not acceded to, the proposed cut at St. Ann's Rapids will be necessary for this work. Estimates have been received, varying in amount from £.23,000 to £.46,000, according to the line which may be adopted.

A Sketch is annexed, explanatory of the points referred to in this Memorandum.

C. G. Ellicombe.

I TRANSMIT for the information and orders of the Master-General and Board the projects which the Commanding Engineer in Canada was directed by the Commander of the Forces to make for connecting the Steam Boat Navigation of the Rideau and Ottawa with the River St. Lawrence.

8 February 1832.

It appears that no orders have been given for altering the three upper Locks of the Grenville Canal in the Ottawa, which were constructed on the small scale, nearly similar to those at La Chine, before the enlarged scale to pass steam boats was determined upon. It is now indispensable, in the first place, that these Locks should be assimilated to the rest of the Navigation, at the expense of £.54,245. 19. 2. a part of which, it is stated, may be covered by savings on the Estimates, already submitted, to the Ottawa Canals.

This communication also contains Lieut.-Colonel By's Report and Estimate for continuing the Steam Boat Navigation by Rivière des Prairies, in rear of Montreal, on the same scale as the Rideau Locks, at an expense of £.117,270. 6. 2., or of constructing it on an enlarged scale, at the expense of £.148,144. 1. 5.; and a Report, with Estimates, is likewise transmitted from Lieut.-Colonel Du Vernet, Royal Staff Corps, for a Canal to pass the Rapid at St. Ann's, at the western extremity of Montreal Island, showing three modes of executing the Work, varying in amount from £.22,950 to £.46,700, one of which will be necessary, if the Canal is determined upon at this spot, in lieu of passing in rear of Montreal by the Rivière des Prairies.—*C. G. E.* 8 Feb. 1832.

Submit to the Master-General.—*C. T.*

10 February 1832.

Seeing that the Rideau Canal and the Canals on the Ottawa are still unfinished, I cannot recommend to His Majesty's Government the incurring of any additional expense for Water Communication in Canada, in the present state of the Finances of the Country.—*J. K.*

16 February 1832.

Ordered, That a Communication to the effect of the Master-General's Minute be made to Sir A. Bryce; and that Copies of these Papers be sent to the Treasury, in addition to those sent on the 17th instant.—*T.* 47.

20 February 1832.

T. F. K.

ADVERTING to the Statement called for by the latter part of the Board's Minute of the 19th ult., on this Letter from Mr. Stewart relative to the Canals in Canada, which I transmitted with my communication of 23d ult. I have now to report, in reference to the former part of the Board's Minute before referred to, that it appears the Estimate for the Carillon Rapids has been increased from £. 58,000 to £. 72,318, but no final opinion or decision can now be given upon this Estimate, as a further Report is promised by Sir J. Kempt, which holds out the possibility that a less expensive plan may be adopted; and in the mean while the commencement of this work appears to be suspended. I have therefore only at present to remark on any contemplated alteration of this Canal, by aid from the North River, that the Local Authorities in Canada should be instructed to ascertain how far it will affect the interest of private individuals, and thus involve the Government in claims against them.

In regard to the Estimate now transmitted for the Chute à Blondeau, the amount is £. 20,785, instead of £. 11,580 before reported, being an excess of £. 9,205, which is stated to be caused by the rock through which this Canal is entirely cut, proving to be extremely hard and compact, instead of a loose horizontal strata which appeared when the first estimate was prepared, I therefore consider this excess unavoidable. This work appears to be in progress by the Staff Corps.

In respect to the Estimate for the Grenville, there is an excess of £. 3,399 beyond the first Estimate for the completion of this Canal, as transmitted by Sir J. Kempt in February 1828, which is stated to be in consequence of the prices put down in the first Estimate which was prepared by Lieut-Col. Du Vernet being far too low; besides the above, there is now provided for the first time £. 54,245 for altering the three Locks (already constructed in this Canal on the small scale,) so as to correspond with those of the Rideau, and for widening and deepening such parts of the Canal as may require alteration; in regard to which I have only to observe, that this service will be necessary in order to complete the Water Communication on the same scale as the Locks on the Rideau.

This sum includes £. 1,500 for five Bridges to communicate with lands, (about 136 acres) belonging to private individuals, laying between the Ottawa and the Grenville; but this land Sir J. Kempt proposes should be purchased to avoid the expense of constructing and repairing these Bridges, and a further Report is promised respecting the proposed purchase.

The Estimates also provide £. 23,761 for the establishment and entire expense of the two Staff Corps Companies, employed on these Canals from the 25th of June 1829 (when the Companies were transferred to the Ordinance,) to the end of 1832, being the period contemplated for the completion of the Works, provided the necessary funds can be granted. This expense has hitherto not been provided in the Estimates for these Works, but understood to be borne on the Army Extraordinaries, and therefore it may be said to be only a charge of account.

In regard to the Rideau Canal, which is adverted to in the present Papers, I propose to make it the subject of a separate communication, in reference to reports which I have recently received from the Commanding Engineer in Canada.

6th July 1830.

A. B.

IN reference to my Minute of the 6th instant, on a Letter from the Treasury, relative to the Estimate for the Grenville and other Canals carrying on by the Staff Corps in Canada, which was referred for my Report by the Board's Minute of 19th ultimo, also in reference to my Minute of the 15th June on a Letter from Colonel Durnford, relative to the amount of the Estimate for the Rideau Canal, I now forward, for the Master General's and Board's information and orders, the inclosed Report from Colonel Durnford, dated 24th April, and Papers referred to, relative to the Rideau Canal, also a subsequent Letter from the Colonel, dated 10th May last, in continuation of the same subject.

By these Papers (of which a list is enclosed marked O.) it appears that in addition to the expense at present estimated for this Canal, (£. 576,757,) a further sum of £. 116,686 will be required, of which £. 30,134 is the amount of the excess in the execution of the Works already finished, after deducting some savings upon other parts; also £. 2,843, the amount of errors in the original Estimate, and £. 83,714 for additional Works, which it is stated were neither contemplated by

Lieutenant-

Lieutenant-Colonel By nor ordered by the Committee of which Sir James Kempt was President, and consequently are not included in the original Estimate for the Rideau Canal.

On these Expenses I have to observe, that an excess of £. 30,000 on so large an Expenditure already incurred (£. 349,000) for work carried on, for the greater part through a country hitherto a wilderness, does not appear extraordinary, but such as might be expected, and Lieutenant-Colonel By has furnished the enclosed Statement marked (B.) showing upon what particular points of the Canal these excesses have occurred.

In regard to the additional Works, which are calculated at £.83,714, it is much to be regretted that these services were not foreseen and originally provided for. Colonel Durnford states, that the principal item of expense of these additional Works is for waste Weirs at each of the Dams and nest of Locks, the necessity for which became particularly apparent after the failure of the Dam at the Hog's Back: insomuch that it is found necessary that they should be adopted on the whole line of the Canal, and that their beneficial effects have been already satisfactorily proved where executed. I have to observe, there can be no doubt that every precaution should be adopted to prevent accidents to the Dams upon which the efficiency of the Canal will so greatly depend: but I recommend their use to be limited to such cases as both Colonel Durnford and Lieut.-Colonel By consider absolutely necessary. A detailed List, marked (K). No. 5, page 2, of these services is enclosed.

These Expenses (including the errors of £.2,843 in the original Estimate) will make a total of £. 693,448 for the Rideau.

The Work appears to be in rapid progress, and is expected to be completed in August 1831, if the necessary funds are provided; it may therefore be here proper to add, that the sum of £.436,666 has already been voted for this Canal, including the grant of 1830, and therefore, according to the present calculation, a further sum of £.256,777 requires still to be voted for its completion.

Besides the above-mentioned services, there are four others now brought forward for the first time, viz.—

	£.	s.	d.
22 Blockhouses - - -	33,000	-	-
Land for ditto, and Defences - -	20,000	-	-
Reservoir at By Town - - -	8,000	-	-
15 Bridges over the Canal - - -	8,230	-	-
Total	£. 69,230	-	-

These services do not appear to be commenced, but wait the orders of Government; and although they do not seem to be absolutely necessary for the navigation of the Rideau, yet they are so nearly connected with the Canal, that the possibility of their being ultimately found advisable should not be lost sight of. The Block-houses, if constructed now, are intended also to lodge some of the Lock-masters, and in this case the Houses provided for them in the original Estimate need not be constructed. The purchase of the land is altogether a part of the expense attending the Defences; the proposed Reservoir is partly proposed for the Canal, and partly for its defence, it being intended to feed the first eight Locks, and also to serve as a wet ditch for the defence of the entrance of the Canal; and some of the proposed Bridges must, I understand, be erected to comply with the conditions of the Rideau Act. On these services I would recommend that the whole should be deferred until the Canal is completed, and until the general question of the Works required for its defence can be considered and finally approved; therefore the Lock-masters' Houses, and a small Reservoir to feed the first eight Locks, which is provided in the original Estimate, should be constructed, and only such of the proposed Bridges as Government is bound to construct by the Rideau Act, a List of which Lieut.-Colonel By should report as soon as possible.

23d July 1830.

492.

2d August 1830.

The Board request Sir A. Bryce to give them his opinion (if the documents now transmittted enable him to form one), on the three several sums here reported on, of Errors, Excess and Additional Works; whether these increases to the original Estimate are satisfactorily accounted for; and if he is unable to form a decided opinion, that he would have the goodness to point out to the Board upon each or either of these items, where the difficulty of forming such opinion lies, and the course which he would advise to be adopted, in order to enable the Board to give the Lords of the Treasury a distinct opinion whether this large increase of the original Estimate is, under each head, satisfactorily accounted for, or whether it appears that any charges of neglect or other blame attaches to the parties concerned.

Of these sums, £.53,000 is for defences only, and may be entirely postponed, to be dealt with hereafter by the Treasury as a separate question; but some of the 15 Bridges must be performed, and it appears to the Board ought originally to have been calculated upon. The Board request Sir A. Bryce's opinion upon this point, and also whether the Act directs in what time they should be built. The Board likewise wish to know whether Sir A. Bryce is able to form any opinion as to the ultimate probability of the large Reservoir being constructed.

S. P.

A. B.

IN reply to the Board's Minute of the 2d instant, Sir A. Bryce has to observe, with respect to the errors, amounting to £. 2,843, on the original Estimate handed to the Committee, that Colonel Durnford, in his Letter of the 24th April 1830, paragraph 7, states, that Lieutenant-Colonel By offers no explanation upon these errors; it is therefore necessary that Colonel Durnford should investigate and report upon them before any opinion can be given from this Office.

In regard to the excess and additional Works, amounting to £. 113,848, Colonel Durnford's Letter of 10th May 1830, No. 52, transmits Lieutenant-Colonel By's Statement in explanation, as to how the balance of excesses and savings produce the several results, making up the total sum of £. 30,143, stated as excess; but although certain quantities and amounts are shown in the Report (K.) the Documents transmitted will not enable Sir A. Bryce to form a decided opinion, whether the increase is satisfactorily accounted for, nor upon the additional Works, and that therefore it appears advisable a reference should be made to Colonel Durnford, who should, on the spot, go into a minute investigation of the several items of Documents, (K.) and particularly report whether the whole of those which had been marked thus *, in red ink, in this Office, were indispensably necessary for the execution of the Rideau Navigation. It is also recommended that Colonel Durnford should transmit a descriptive Report, explaining the nature of the Works at each Station, as embraced in the Estimate of £. 576,000, handed to the Committee, the alterations now executed or proposed, with his opinion on the necessity or expediency of the alterations, showing particularly the causes which have led to the alteration in the use of the Dams, which were originally intended to be themselves waste Weirs, whereas separate Works are now proposed for this purpose, without explaining the reasons of the alteration, nor the maximum heights at which it is assumed that the Dams might answer the double object originally designed; and with respect to the expense of the construction of the Chaudière Bridges and the Toll-house, Colonel Durnford should report the present annual Toll, and what addition may be expected; also, whether there is any Act of Legislature securing to Government the right of Toll.

In regard to the construction of the Bridges at the expense of Government, where the Canal cuts into any highway, Colonel Durnford should communicate with the Crown Lawyers, as to the full intent and meaning of the 11th Article of the Rideau Act, which refers to these Bridges, and after receiving and considering that interpretation, he should communicate with the Surveyor-General of the Upper Province, as to what Bridges Government, under that interpretation, are liable to construct, and then report accordingly, stating the expense, and whether, as the Dams are no longer to be considered as waste Weirs, they may not become Causeways, and by a slight deviation of the course of the Road, serve instead of the Bridges, which would be otherwise constructed; the time at which these Bridges are to be executed, by the Rideau Act, is prescribed to one month after any Road has been destroyed by the construction of the Canal. In regard to the proposed large Reservoir in front of Upper By Town, Colonel Durnford should also report specifically on the necessity or expediency of constructing this Work as regards the Canal, the defences and the health (so far as he can form an opinion) of the immediate vicinity. It will be necessary that Document (K.) should be sent back to Colonel Durnford, who should be directed to return it to England, with the Report and information now recommended to be called for.

11 August 1830.

C. G. E.

LETTER from Lieutenant-Colonel *By*, to Sir *Alexander Bryce*, Inspector-General of Fortifications, &c. &c. &c.

Royal Engineer's Office, By Town, Rideau Canal,
8th January 1831.

SIR,

I HAVE the honour of transmitting, for the information of his Lordship the Master General, and Right honourable and Honourable Board of Ordnance, a Plan of the Route of the Rideau Canal, with a section showing the various lifts of the Lock, the distance between the lifts, and the sum expended on each work from the commencement on 21st September 1826, to the 31st December 1830,
from

CANAL COMMUNICATION IN CANADA.

11

from which it appears that £.575,551. 4. 2½. has been expended, and that £.117,898. 7. 7¼. still remains unexpended of the Estimate of £.693,449. 11. 10¼. given to the Committee in June 1828, of which his Excellency Sir James Kempt was President.

I have also the honour to report, from the rapid progress already made towards completing these works, I have every reason to believe the whole will be finished in August next; but as the expense depends in a great measure on contingencies, the extent of which cannot be exactly ascertained, as they chiefly arise from the immense pressure of water, and the periodical sickness, it is impossible for me to report the precise sum that may be required; but at this moment, as far as I can judge from what has occurred in the construction of these Works, I am of opinion that the balance of £.117,898. 7. 7¼. still remaining unexpended of the above-mentioned Estimate, will prove sufficient to complete this Water Communication from the Ottawa to Kingston.

A detailed Report of the expense of each work is now forming, to lay before Colonel Durnford, Commanding Royal Engineers, Canada, to enable him to report on the necessity of each item.

I have the honour to be, &c. &c. &c.

(signed) *John By*, Lieutenant-Colonel.
Royal Engineers Commanding, Rideau Canal.

Forwarded for the Master-General's and Board's information and orders. There is some mistake in the sum here stated by Lieutenant-Colonel By, as the amount of the Estimate laid before the Committee being £.693,449, no such amount having been given.

It is therefore proposed to call on Lieutenant-Colonel By for an explanation; in the mean time it has been considered proper to report the receipt of this Letter,

18 May 1831.

(signed) *C. G. E.*

Submit to the Master General.

(signed) *H. D.*

20 May 1831.

In acknowledging the receipt of this Letter, Sir A. Bryce will inform Lieutenant-Colonel By, that the Estimate given by him to the Committee in 1828, amounted to £.576,757 only, and not, as he states, to the sum of £.693,449. 11. 10. That the latter sum is the amount of his supplementary Estimate, given in by him in 1830, which has never been sanctioned by the Government. That the greater part of the money which has been expended, has not yet been voted by Parliament, and that he is on no account to undertake any new work, or to incur any expense in the completion of those now in progress, unless the same should be deemed of pressing importance, and essentially necessary for the due completion and security of the Canal.

(signed) *J. K.*

21 May 1831.

Ordered, That the directions contained in the Master-General's Minute, be carried into effect,

(signed) *H. D.*

23 May 1831.

EXTRACT of a Letter from Colonel *Durnford* to Lieutenant-Colonel *Fanshawe*,
Royal Engineers, &c. &c. &c.

SIR,

Royal Engineer's Office, Quebec, 15 July 1831.

HEREWITH I have the honour to return the Document (K.), transmitted to me for my information and further report; and I have to state, for the information of Major-General Sir Alexander Bryce, that having arranged with Lieut.-Colonel By, who came to Quebec during the winter for that purpose, the mode of affording the information and explanations required, so as to render them as clear and intelligible as possible, I proceeded, as soon after the opening of the Navigation as my other duties would permit, to By Town, and through the whole line of the Canal, accompanied by Lieut.-Colonel By, for the purpose of forming my opinion of the correctness of his statements in the accompanying Documents, as far as the present

advanced state of the Works would allow me, and, in fact, to make them in a measure my own. The following is a description of the accompanying Documents :—

No. 1, explains the errors in the original Estimate of £.576,757 handed to the Committee, amounting to £.2,843, and increasing it to £.579,600.

No. 2, comprising from No. 1 (K.) to No. 23 (K.) and a Document marked (E.) referred to in page 179 of No. 4 (K.), affords the explanations required on the items of Document (K.), marked * in red ink, in your office, showing the causes of the excess of £.30,134 on the Estimate handed to the Committee corrected, being the Balance between the savings and excesses on the several Works contemplated and provided for in that Estimate; and the nature of the extra Works found necessary in the progress of the Work, which were not contemplated, nor provided for in that Estimate, and amounting to £.83,714.

No. 3 contains a Description and progress Report of the Works on each Section of the Canal, 21 in number, 311 pages, comprising an Account of the Expenditure under the head of Contingencies: a Statement (No. 1.) of Compensation, with Copies of Letters relating to it annexed; an Abstract (No. 2.) of Lands purchased; an Abstract (A.), showing the probable sums required to complete each Section, to the 31st December last, in addition to those stated in Document (K.); and an Abstract Statement of the Expenditure on each Section up to the 31st December last, and of the sums required to complete them.

No. 4 contains a correspondence on the subject of the Tolls of the Chaudière Bridges, and the construction of the Bridges which Government will be required to erect, where the Canal cuts into any existing or intended Highway, containing the opinion of the Attorney-General of the Upper Province on these points, and the instructions of the Commander of the Forces, in consequence, to bring the subject of the former before him again at the next meeting of the provincial Parliament. I was informed by Lieutenant-Colonel By that the Tolls are at present let for £.200 a year, and that no increase to that rent is yet expected.

No. 5 contains a Copy of a Letter, and the original document therewith received, which I forward as requested by Lieutenant-Colonel By, to show the difficulties he has had to contend with, affecting the Expenditure and progress of the Work, from the sickness which prevailed throughout the Western half of the Canal.

With respect to the “ causes which led to the alteration in the use of the Dams,” it was considered, that, if allowed to serve as waste Weirs, as well as Dams, as at first intended, they would from their perpendicular construction in front, be liable, at any height, to have their foundations washed away; and further, that their tops would also be liable to be injured by the drift wood constantly passing over them, which must be expected in great quantities for many years, particularly during the Freshes in the Spring, and therefore, that it was advisable to construct a waste channel at each Dam.

With regard to the “ necessity or expediency of constructing the large Reservoir “ in front of Upper By Town, as regards the Canal, the defences and the health “ of the vicinity,” I have to observe, that as the distance from the Locks at By Town to those at Hartwell is $3\frac{1}{4}$ miles, and from the latter to the Hog’s Back about $1\frac{1}{2}$ mile, it would be difficult to ensure any drainage of the Canal, between the two former by vessels passing between By Town and Ottawa only, or by the leakage of the embankments, being regularly replenished from the still water above the Hog’s Back, and that therefore I consider a Reservoir, as near as possible to the head of the Locks at By Town, very desirable; about six acres have been already formed, and the necessity and expediency of forming the remainder, depend upon various circumstances, as the extent of the leakage of the Embankment, the increase of trade, and particularly the Works of defence decided on, for the construction of which the excavation would be required, and to the strength of which the Reservoir itself would greatly contribute. The land required for this double purpose was originally swampy, but was cleared and has recently been drained into the Canal at the expense of Government, which must, I conceive, have in some degree tended to promote the very healthy state of the vicinity.

It is my duty to draw the attention of Sir Alexander Bryce to the descriptive and progress Report (No. 3.) herewith transmitted, as it details and explains the necessity

necessity of various executed or contemplated services therein included, which collectively entail a further increase to the Estimate of the expense of the Rideau Canal, amounting to about £. 26,626 beyond the amount I before reported; and I think it right to add, that I consider it by no means improbable, that even the amount now contemplated may be found inadequate, though I trust any further demand will be trifling, as the Works are generally so nearly drawing to a close, that some unforeseen accident alone should occasion it. In conclusion, it becomes me to observe, that although Lieut.-Colonel By's Report is dated in January last, having found it necessary to take it back with him for revision, I did not receive it in a shape to forward, until I brought it with me to Quebec on my return from my late tour of inspection, nor could I have forwarded it satisfactorily before I had made the investigation required.

I have the honour to be, &c.

(signed) *E. Durnford*, Commanding Engineers, Canada.

Forwarded for the information of the Board, in compliance with their order of the 17th August 1830, E. 613, and in reference to their Minute of the 2d August 1830, on my Report of the 23d July, forwarding Colonel Durnford's Letter of 24th April 1830.

It will appear by the present Report, that Colonel Durnford has carefully investigated the several explanations afforded by Lieut.-Colonel By, in respect to the excess of his expenditure beyond the Estimate of £. 576,757, which he handed to the Committee in 1828.

The accompanying Documents contain explanations on each of the points suggested in the Report from my office of 11th August 1830, the correctness and sufficiency of which, as stated by Lieut.-Colonel By in document (K.), are verified by Colonel Durnford's opinion.

I have attentively considered the whole of what is stated, and submit the following conclusion: That the errors in Lieut.-Colonel By's Estimate of £. 576,757 are errors of calculation amounting to £. 2,843. (*Vide* No. 1.)

No. 2, containing explanations for No. 1 to No. 23, together with the descriptive and progress Report, are the result of Colonel Durnford's investigation as regards the excesses £. 30,134, and extra Work £. 83,714, reported in Colonel Durnford's Letter of the 24th April 1830; and when it is considered that a work of such magnitude and novelty as the Rideau Navigation, has been carried on, not in a settled country, where all the localities and resources might be intimately known, but pushed on by the greatest exertion, in a new country, with a new establishment formed on the spot, it is not surprising that errors should have arisen, and the Estimates framed in its early stages of progress should have proved insufficient. The explanations have been fully gone into. The expediency of the partial deviations which have been made from the original project could only be ascertained on the spot; but I concur in the principles which have led, as measures of security, to the adoption of waste Weirs, and the consequent enlargement of the Dams, Embankments, and Chamber Wells, the Stop Gates, the occasional Guard Locks, the raising of the level of the Summit Pond, and the straightening the line of Navigation wherever it could be done.

There are some of the excesses which are not satisfactorily explained, viz. an excess of £. 2,099 in lengthening the cut stone Bridge at the Entrance Valley; the allowance to the Contractor of the Materials for taking up masonry, which had to be removed in consequence of the alteration of the size of the Locks; and the extra allowance for parts of the invert Arches from the same cause, and the additional quantity of Masonry at the Hog's Back.

It will be seen in the Document, No. 3, Abstract (A.) that an expense of £. 25,624. 13. 4. is contemplated beyond the amount of £. 693,449. 11. 10 $\frac{1}{4}$. already reported in Colonel Durnford's Letter of 24th April 1830; and Colonel Durnford further states, that it is by no means improbable that the amount now contemplated may be found inadequate; and considering that, although the work was drawing fast to a close when this Report was written, none of the Locks had then been proved, it is very probable that some partial imperfections may be visible, the adjustment of which could not be estimated.

In Document, No. 4, it will be seen, that although the Expenditure in the Chaudière Bridges has amounted to £. 6,165. 12. 9. there is a present income arising

arising from Tolls amounting to £. 200, and which, as the settlement of the country advances (in which these Bridges will essentially assist), may be expected to increase. Amongst these Papers, (No. 4.) will be seen the opinion of the Attorney-General of Upper Canada, that substantial Bridges must be constructed over the Canal whenever a public travelled road shall be crossed by the Canal, in order that public intercourse by means of the then existing roads may not be interrupted. The amount of expense which will thus fall upon the Government cannot, I conceive, be stated, unless the Surveyor General of the Province shall state distinctly what are the public travelled roads which require such Bridges.

The necessity for the formation of a Reservoir at the head of the Entrance Valley, is shown by this Letter to rest in some degree upon the trade that may eventually be carried on between By Town and the Lower Province. I am therefore of opinion, that the execution of this work may be postponed until the service actually requires it.

4th November 1831.

A. B.

Copy of a LETTER from R. Byham, Esquire, to the Honourable J. Stewart,
&c. &c. &c.

SIR,

Office of Ordnance, 20th February 1832.

I HAVE the honour to acknowledge the receipt of your Letter, dated the 7th instant, relative to the further sum of £. 25,624. 13. 4. which it has been stated will be required for the *completion* of the Rideau Canal; and I am commanded to request you will inform the Lords Commissioners of His Majesty's Treasury that the Master General and Board having attentively considered their Lordships' Minute upon this subject, they beg to submit to their Lordships the inclosed Copy of a Memorandum from the Office of the Inspector General of Fortifications, dated the 10th instant, and to explain to their Lordships that the Report and voluminous Documents relative to this matter, have required much time, labour and consideration; but that the result as to expense is stated in the accompanying Abstract (A.) (Copy) which will show that the excesses relate exclusively to Works *contemplated by Parliament in 1831*, as stated in Mr. Tennyson's Letter to Mr. Spring Rice, dated the 4th instant, and are not occasioned by any new Works.

The Master General and Board beg to observe, that had the Lords of the Treasury been pleased to communicate to this Department the Vote of 1831, the Master General and Board would have acted upon the rule to which they uniformly and rigidly adhere, by directing that such Vote should in no case be exceeded; and at any rate they conclude that the Engineers will have acted upon this general practice, if the Lords of the Treasury made the usual communication of the Vote of 1831 to the Authorities in Canada, in terms calculated to check the expenditure beyond the amount of that Vote. I am also instructed to observe, that no orders, either from this Board, or from the Lords of the Treasury, subsequent to the above Vote, could have affected the estimate of this additional expense of £. 25,624, which was framed by Lieutenant-Colonel By in January 1831, communicated by Colonel Durnford's Letter, dated in July last, and received in London in the month of September.

With regard to the *ultimate* expenditure upon the Works contemplated in 1831 for opening the Rideau Canal, I am commanded to state, that the Master General and Board did not collect from any thing which heretofore transpired, that this Vote was to be *final*. On the contrary, it was always stated by this Department, and seemed to be understood on all hands, that a further charge would probably arise. (The Master General and Board here beg to refer to a memorandum dated January 1831, from the office of the Inspector General of Fortifications, and the Report to the Lords of the Treasury therein referred to, printed, page 13 of the Report to the Committee of The House of Commons upon the Rideau Canal in 1831.) Moreover, that in the Report of the Commons' Committee page 7, such further charge is distinctly anticipated. They say, " Some uncertainty seems still " to prevail with regard to the ultimate expense; and they recommend that the " officer superintending the work, shall be instructed to frame an accurate estimate " of what is *still necessary to open the navigation* on the Rideau Canal, and that " this Estimate shall, with as little delay as possible, be submitted to Parliament. " In the mean time the Committee do not object to the vote of £. 256,000, seeing " no

“ no reason to imagine it will be *more than enough* to satisfy outstanding claims.
 “ They are induced to recommend the propriety of obtaining an immediate Estimate
 “ of what remains to be done, from an apprehension that *more money may still be*
 “ *required.*”

The Master General and Board beg to submit that such was the tone of all the evidence given, and of all the communications to and from this Department, and of the discussions in Parliament, and, although no communication was made by the Lords of the Treasury to the Board of Ordnance of the recommendation of the Committee above cited, yet it has in fact been met by the information furnished by the Board's Officers in Canada. That accordingly the Master General and Board were not prepared for the surprize now expressed by their Lordships, but were rather gratified to find that the total excess was only likely to be, by Lieut-Colonel By's Report received in September 1831, £.25,600, as far as it could be accurately estimated, and that there does not exist any apprehension of more than a “ trifling” addition to the expenditure actually foreseen, in order to bring the Rideau Canal to a close.

The Master General and Board beg permission, finally, to remark, that it is of course for the Government to decide whether the whole of the immense outlay already incurred, shall be lost, when the Canal can be opened by means of a comparatively small addition to the charge; and they think it right to state that any suspense of the work, with a view to resumption hereafter, would necessarily increase the expenditure considerably, and render a large portion of the establishment maintained in Canada for this object a dead weight in the mean time.

I have the honour to be, &c. &c. &c.

(signed) *R. Byham.*

MEM. 10 February 1832.

THE cause of the excess of £.25,624 on the Rideau Canal, referred to in the enclosed Minute from the Treasury, as also the amount of £.113,843 for errors, excesses and extra Works before reported, and on which latter the Board, by order of 19th August 1830, called for further information, are explained in the Documents sent to the Board with Sir A. Bryce's Minute of the 4th November last, upon a Letter from Colonel Durnford, dated 15th July 1831; and amongst these Lieutenant-Colonel By has furnished a Document, dated 14th January 1831, containing 311 folio pages, and so detailed that the several explanations are given in more than 500 items of expense, showing in each the amount of the item in the Estimate of £.576,757 given to the Committee in Canada, the amount expended at the date of the Report, and the amount required to complete; and where the item has required an increase of expenditure beyond the amount stated in the Estimate of £.576,757, explanation is given. To detail these particulars in this Minute would be only a repetition of Lieutenant-Colonel By's Documents, the whole of which must be perused by those who wish to be fully informed upon the subject, but the result is, as to *expense*, shown in an Abstract (A.), one of the Papers referred to by Lieutenant-Colonel By, by which it appears, that after allowing £.32,857. 17. for savings on some of the Works executed, or not required to be executed, and provided for in the original Estimate, there is an excess of £.25,264 beyond the total of £.693,449 before reported; and in closing this Report Lieutenant-Colonel By states as follows:—

“ I beg in conclusion to remark, that the original Plan and Estimate were
 “ formed from as correct data as could be obtained during the period that the woods
 “ and swamps were uncleared, and in consequence of their almost impenetrable
 “ nature; many of the surveys required had to be taken during the severity of
 “ a Canadian winter; and when these circumstances are taken into consideration,
 “ with the additional fact that from the country being so extremely unhealthy,
 “ nearly all my Officers, Clerks of Works and Overseers, have suffered from
 “ repeated and severe attacks of sickness, caught whilst in the performance of their
 “ respective duties, it will not, I think, appear so much a matter of surprise that
 “ the Plans and Sections have in some instances proved to be incorrect, as that so
 “ few errors have taken place.”

The foregoing Document forms a portion of those recently called for by The House of Commons.

In regard to the period now fixed for opening the Canal, a delay on which the Treasury requires explanation, it can only be stated, that the time first named was generally considered very limited ; and when it is remembered that sickness and unforeseen casualties have operated to retard completion for a short time, yet the Work, as a whole, may be said to have been executed most rapidly ; besides, a considerable portion of the Line was opened in the Autumn of 1831, and measures then taken to reduce the Establishment, by withdrawing some of the Officers employed on the Work, and the two Companies of Sappers and Miners, which have now been carried into effect.

In regard to the question from the Treasury, as to the period when the Report in question was received by the Ordnance, I have to state, that it was received in this Office on the 3d September ; and after it had been fully gone into, and the numerous detailed Documents, having reference thereto, duly examined and fully considered, the whole were forwarded to the Board, with Sir A. Bryce's Report of 4th November last.

In reply to the Board's question, as to what communication has been made to Canada regarding the Vote of 1831, I have to observe, that no official communication has been made to this Office of the Vote being granted, and consequently no communication has been made to Canada from hence ; indeed, as the Vote is taken by another Department, and not by the Ordnance, it is to be presumed, that that Department may have made the necessary communication to the Ordnance, or proper Authorities in Canada, with a view to check the issuing of any sums beyond the sum voted ; such is the usual course for Works voted by the Ordnance, although such communications are made by the Board direct to the respective Officers at the Station, and not to this Office, further than the Master General and Board's Orders upon the Annual Estimate, which are reported on from this Office to agree with the Votes which the Board notify their intention to propose to Parliament.

In reference to that part of the Treasury Minute, wherein information is required whether any expenditure, &c. has been incurred beyond the amount sanctioned ; it appears by Lieutenant-Colonel By's Report of 14th January 1831, that the total expenditure at that period was £.585,980, which falls short of the Votes for this Canal by the sum of £.106,686, and this amount has therefore been available for the progress of the Canal for the year 1831 ; but it cannot now be stated from this office, nor, it is presumed, without reference to Canada, whether this sum has been exceeded, or what liabilities the Government are now under to meet existing contracts, although it may be observed that by Lieutenant-Colonel By's Report above quoted, he states that " he has every reason to suppose that £.25,624 in " addition will prove sufficient ; " but this is exclusive of £.782 which remains to be yet voted on the total of the Estimate before submitted to Parliament.

10 Feb. 1832.

(signed) C. G. E.

Copy of TREASURY MINUTE, dated 11th May 1832.

MY LORDS read the Letter from the Secretary of the Ordnance, dated 20th February 1832, containing the Observations of the Master General and Board, in reply to the Minute of My Lords of the 7th of February, upon the subject of the further additional Estimate then for the first time communicated to this Board, of £.25,624 for the Rideau Canal.

My Lords resume the consideration of the former Papers upon this subject.

In that Minute, My Lords expressed their concern, that, in addition to the very large sum sanctioned by this Board and by Parliament, as an excess of the original Estimate of Lieutenant-Colonel By for these Works, they should be called upon to provide a further sum of £.25,624, and that they should be left in doubt whether even that amount would be sufficient to cover the expenditure, Colonel Durnford having expressed some hesitation upon the subject.

My

My Lords also requested to be informed when this additional Estimate was received in this country, and whether the expenditure upon the Canal had exceeded the amount granted by Parliament for the purpose.

It appears from the explanation of the Master General and Board of Ordnance, that the Papers which show that this further sum of £.25,624 will be required, were prepared by Colonel By, in the month of January 1831, and were transmitted from Canada to this country by Colonel Durnford on the 15th July 1831, and that they were received in this country in the month of September.

When My Lords consider that so large an exceeding as £.116,691 had been already sanctioned by Parliament, they cannot but regret that they should not have been apprized that a further expenditure would be required to complete the Works upon the Canal, because they would, if informed of that fact, have been able to have procured further information before they could be required to prepare an Estimate for Parliament on account of the Canal.

This information is the more necessary on account of Colonel Durnford's observations, it appearing from his statement to be by no means improbable that a still further sum may hereafter be applied for; and, My Lords, although they cannot avoid submitting an Estimate for the Rideau Canal to Parliament, will suspend any issue thereon, when voted, until they shall be able to ascertain precisely the whole amount that can be required for the completion of the Works.

With respect to that part of the Letter from the Ordnance which relates to the expenditure of 1831, My Lords are of opinion that there was no necessity for any communication to be made from this Board of the amount voted by Parliament for the purpose. The Votes of Parliament are of themselves sufficient intimation upon the subject, and it appears to My Lords to be the duty of the respective Departments to take cognizance of the Votes for all Services conducted under their direction, and to issue proper instructions upon them.

My Lords consider that it would not have come within the scope of their duty, to have entered into any communication upon the subject with the Ordnance Officers in Canada, it not being the usage of the Board of Treasury on any occasion to give instructions or directions to any of the Ordnance Officers, except through the Master General and Board.

It has been the constant desire of My Lords, in communication with the several Departments of the State, to prevent any possible exceeding of the Estimates voted by Parliament, as was explained by their former Minutes; and if it shall appear that any exceeding has again taken place in Canada, in this case, My Lords are of opinion that a very serious responsibility will have been incurred by the parties concerned. My Lords trust, however, that no such exceeding has taken place, since My Lords perceive that the expenditure had fallen short of the Votes to the close of 1830 by the sum of £.106,686; and although it is stated in the Letter of Commissary-General Routh that an Estimate had been transmitted to him contemplating an expenditure of £.88,000 from March 1832 to complete the Canal, My Lords, in the absence of any statement of the actual expenditure to the close of 1831, are willing to hope that that amount formed part of the sum of £.106,686 unexpended at the commencement of the year, and of the additional Estimate of £.25,624 now before My Lords.

With respect to any issues upon that Estimate, My Lords are not called upon to give any directions without further and more specific information; but it is satisfactory to My Lords to perceive that it has not been prepared with a view to any additional works, but appears, so far as My Lords can now judge, to have been framed to meet some additional expenses upon works already sanctioned.

In the mean time should Parliament place £.50,000 at the disposal of His Majesty, on account of the Canal Communication in Canada, My Lords will authorize the Commissary General in Canada to apply, in the course of the year 1832, to that expenditure, such a sum as may not allow the expenditure for the years 1831 and 1832, to exceed £.156,686, viz. the balance of former Grants unexpended at the beginning of 1831, and the amount of the proposed Grant for 1832, the sum of £.25,624 to be however reserved till further directions.

18 CORRESPONDENCE *relative to* CANAL COMMUNICATION, &c.

My Lords however desire that in making this communication to the Commissariat Officer, he may be specially enjoined not to pay any sum whatever which will occasion an expenditure for the two years greater than the sum above mentioned, and also, that he will make no payment whatever for this service, except upon Drafts or Accounts specifically stated to be for this service.

Request the Board of Ordnance to lay before My Lords with as little delay as possible, an Account of the total Expenditure for this service during the year 1831, and to the latest period to which it can be carried forward.

Transmit Copy of this Minute to the Secretary of the Ordnance for the Master General and Board's information, and for the government of their Officers in Canada, and request they will issue Instructions to their Officers in Canada not to draw for money for this Service upon the Commissariat Officers for any sum beyond the amount stated in this Minute, until further authority from hence has been received, and to state on the face of all their drafts for this Service, that the money is required for the Canal Communications in Canada, distinguishing whether such expenditure is for the Rideau Canal or for the Canals on the Ottawa.

Transmit Copy of this Minute to Commissary-General Routh.

CANADA CANALS.

RETURN to an Order of The Hon. House of Commons,
dated 3 February 1832 ;—*for*,

COPIES or EXTRACTS of CORRESPONDENCE between the
Board of Ordnance and Officers under their Orders
in *Canada*, and of any Reports from them since the date
of the last Papers presented to The House, respecting the
progress of the CANAL COMMUNICATIONS in that Country,
and the past and prospective Expenditure thereon ; and
any CORRESPONDENCE with the TREASURY and COLONIAL
Office, on the same subject.

(*Mr. Rice.*)

Ordered, by The House of Commons, to be Printed,
30 May 1832.

CANADA WASTE LANDS.

RETURN to an Address to HIS MAJESTY, dated 13 September 1831 ;—*for*,

COPY of the REPORT of Mr. *Richards* to the COLONIAL SECRETARY,
respecting the WASTE LANDS in the *Canadas*, and EMIGRATION.

Colonial Department, Downing-street, }
12 March 1832. }

HOWICK.

Ordered, by The House of Commons, to be Printed,
30 March 1832.

L I S T.

[illegible]

REPORT of the COMMISSIONER of INQUIRY into the State of the
North American Provinces, 1830.

MY LORD,

IN compliance with instructions from the late Secretary, Sir George Murray, dated 26th April 1830, I have visited the British Provinces in North America, and have the honour to present to your Lordship a Report of my proceedings therein,

And remain your Lordship's most obedient and very humble servant,

To the Right Hon. Viscount Goderich,
Principal Secretary of State for the Colonial
Department, &c. &c. &c.

London, 20 January 1831.

J. Richards.

UPPER CANADA.

I SAILED from Portsmouth on the 4th May, *via* New York; but owing to a long passage, and bad state of the roads through the Genessee country, did not arrive at York, in Upper Canada, till the 22d June. My principal object in that journey, was to obtain a comparative view of the American prices of labour, modes of settling, &c., with those of the British Colonies.

I immediately delivered my letter to Sir John Colborne, who introduced me to the heads of departments, with directions to furnish me with all the information in their power, and during my whole stay in his province, I received from him all the assistance which his zeal and advice could contribute to the objects of my mission.

At the Surveyor-general's Office I learned that the quantity of land in the surveyed townships must have been somewhere about fourteen and a half millions of acres, nearly seven times the clergy reserves, or 2,071,375 acres, it having been the practice to reserve one-seventh for the clergy and one-seventh for the Crown, in single separate lots, of 200 acres each: and that the surveyed townships would appear thus:

	Acres.
Granted prior to 1804	4,500,000
Granted since 1804	3,800,000
Remaining ungranted	1,537,439
To be settled by Colonel Talbot	302,420
Crown and clergy reserves, two-sevenths	4,142,750
Acres	14,282,609

A great proportion of the Crown reserves have been sold to the Canada Company, and a very valuable part of them given to the University, in exchange for unimproved townships, from which it already receives a revenue of 1,600 *l.* per annum.

But from the most accurate calculation which we could afterwards make, it appears that there may be about five million acres, or more, open for settlement, without going north of the back line, where a further tract of seven or eight millions may be found.

The rough statement, in large bodies, is,

	Acres.
In townships not surveyed, from Luther to Zero - - -	730,000
In the Newcastle district, and joining the Home ditto - - -	550,000
In the Western district, west of the Canada Company - - -	350,000
In the London district, north of the Canada Company - - -	340,000
In ditto, not yet purchased from the Chippewa Indians, say - - -	2,500,000
Acres	4,470,000

And as I understand this does not include the lots remaining ungranted, in the surveyed townships before-mentioned, it is fair to presume that between five and six millions of acres may be made ultimately available in this province.

The general size of a township is 36,000 acres, 12 miles by nine; say with nine lines of nine miles each, called concession lines, 400 rods apart, upon each of which a narrow line for a road is reserved. There are also two cross or check lines, of 12 miles each, at right angles to the concession lines, and three miles apart, upon which the corners of the lots are marked, 80 rods apart; thus 400 rods deep, with 80 rods front, gives 200 acres to each lot, with a road in front and rear of it.

Such was the original plan by which the whole province was settled.

The Surveyor-general's Office was in good order, and well kept, upon the principles of its first establishment; but I should think the system capable of simplification, both as regards the office and mode of giving location tickets, &c.

These tickets contain the duties required by a settler; viz. to clear and fence five acres for every 100; to erect a dwelling-house, 16 feet by 20; and to clear half the road in front of each lot. *The whole to be performed within two years.*

The Commissioner of Crown lands, who superintended the emigration of 1823 and 1825, showed me also Sir J. Colborne's instructions for settling the township of Ops, which was begun last year. These settlers had a house or shanty built for each, which only costs about 30 s., and were supplied with provisions, not to exceed two months to any one family; in consequence of which, 39 lots, of 100 acres each, were taken up by the 15th October; and the township, before vacant, then contained 127 souls. The whole expense incurred is about 400 l. or 3 l. 2 s. 6 d. per head. His expense for the emigration of 1823, deduction made for *cost of passage out*, was 15 l. 8 s. 9 d. per head, and in 1825 was 13 l. 11 s. 8 d.

The township of Ops goes on prosperously, and ceases to be an expense. In this case, the land was sold to the settler at 4 s. per acre, payable in five years, clear of fees.

The province of Upper Canada appears to have been considered by Government as a land-fund, to reward meritorious servants. Lots are given to reduced officers; say, 1,200 acres to a colonel, 1,000 to a major, 800 to a captain, 500 to a lieutenant, 200 to a serjeant and 100 to a disbanded soldier, and to the U. E. Loyalists, their sons and daughters, 200 acres each.

When it is considered that these grants have been dealt out most liberally for so many successive years, some owned by people living in Europe, and some by residents in the province, who have bought them up, it is not surprising that so large a portion of it is now beyond the control of Government.

The Canada Company, after some doubts of their being satisfied with the purchase, appear to be going on with it; the general opinion is, that they will in the end make it profitable; but that much time must elapse before their receipts can come round. It would be very desirable if the large tracts adjoining their's could be also disposed of to individuals or companies, who might then act in unison with them; whereas, if His Majesty's Government were to open sales in this quarter, at the same rate as elsewhere, they would undersell and injure the Canada Company; and if they sold at the same rate as the Canada Company, Government would become unpopular.

It has been the custom to exact fees upon grants of land, leases, surveys, patents, &c. from the first settlement of the province. These were probably originally imposed upon expectation of the conveyance of large bodies of land, but when applied to settlement by retail, are onerous and hard. I observe with great pleasure the steps taken of late to get rid of them. An entire abrogation cannot fail to increase the popularity of His Majesty's Government, and the comfort of the new settler; and when effected, it may be more than met by an extra charge upon the land.

Having

Having obtained these general ideas of the state and condition of the land-granting departments, I proceeded to travel through the province, and made journeys in the whole of above 500 miles.

My first journey was from York to Newmarket, and the landing upon the Holland River, which we descended to Lake Simcoe, and went about six miles upon the lake, or 50 miles north of York. The road along which we passed, called Young Street, is one of the parallel roads originally laid out in the township, and it has the appearance of a street, as the houses generally face each other upon a straight road, of even width, and are mostly a quarter of a mile apart. The cross-roads are inferior, and all at right angles; so that there are no small groups of houses formed by the concurrence of roads, which are the natural seeds of villages and towns.

The whole province is laid out in this way. We found about three-fourths of these lots occupied, and in good order, for their sort of agriculture; fields of wheat generally from 15 to 30 acres. Sometimes, by the lots adjoining each other, 50 or 60 acres of wheat are seen together.

There was a settlement of a species of Quakers, from some part of Pennsylvania, of about 30 years old; a very flourishing village, in the centre of about 300 acres cleared; but this was on a parallel street. We were told that 25 or 30 bushels was the average produce of wheat per acre. A man upon Lake Simcoe assured me that he once had 371 bushels from seven acres; and I was pointed out the residence of a farmer who sent 135 barrels of flour to market last year. The soil seemed peculiarly favourable to wheat, and the peas, flax and barley all looked well. About one-fourth of the land was of inferior quality and unoccupied. Near Newmarket, where the land was best, grain had been sown upon the same ground for 15 or 16 years successively, without injury to it. Our ascent was so moderate that the face of the country looked like an immense plateau; but the land's height must be some hundred feet above the lake. The strip of settlement on this road presented an interminable vista of from half a mile to a mile and a half wide; and the streams crossing it had formed such deep gullies as to be passable only at great expense. We met several waggon loads of flour on their way to York.

The lots of 200 acres, partly improved and with buildings, sell from 500*l.* to 1,000*l.* currency. We saw one, with inferior buildings, which sold under the hammer last year for 675*l.* cash.

My next journey was to the western part of the province, by Burlington Bay and Hamilton; thence through Ancaster, Brandtford, Simcoe, and the Long-Point country to Colonel Talbot's; thence to London upon the Thames, and back by a northern road to Brandtford; thence by Hamilton and the Dundas-street Road to York; making a distance, in the whole, of above 300 miles.

The canal at Burlington Bay was open, and we passed through it. At Hamilton, the county town of Gore district, is a handsome stone court-house. The town is well laid out and flourishing. After ascending the mountain (a continuation of the Queen's Town or Niagara ridge) above 250 feet high, the view to the north and north-west presents an uninterrupted level, like a sea horizon, and suggests the idea of the formation of this country, as from the gradual subsiding of water from the bottom of some vast lake. The soil is chiefly of alluvial deposit, with less stone than I have ever seen elsewhere. Such is the general character of the country between the Lakes Huron, Erie, and Ontario; and only of inferior quality where swamps or the sandy principle predominates; in all other respects of as fine a quality of soil as any in America, or in the world.

On our road to Ancaster we passed the residence of a farmer who had purchased 11 farms, of 200 acres each, with the proceeds of his agricultural produce, and had sold from 2,000 to 3,000 bushels of wheat annually. A gentleman who owns a mill in this district gave me the information, and assured me that when he came to it in 1824 there was not above 10,000 bushels of wheat shipped annually from Burlington Bay, and now they expect 150,000 to be shipped in the present year. This astonishing increase he attributes to the admission of colonial wheat into England at a low duty, and the confining the West India trade to the North American provinces. Before these changes, wheat sold at half a dollar per bushel, and since it has generally at a dollar or more, and he considers it a safe and good business to the farmer to pay 12 dollars per month wages, if wheat can be sold at three-quarters of a dollar per bushel.

At Brandtford we attended an examination of young Mohawk Indian scholars, who performed with credit to themselves and their clergyman, who says that they

are regular in their attendance at church, where about 300 of the tribe usually assemble on Sundays. They showed me the communion plate and Bible presented by order of Queen Anne, 1710. A large reservation is made for them and other Indians upon the Grand River, of perhaps 50 or 60,000 acres. Some farms are under good cultivation in their own hands; others are let on leases. The site of Brandtford was just laid out in town lots, from which they hoped to realize above 100,000 dollars. In fact their concerns are well managed, and the Lieutenant-Governor seems particularly careful of them.

From Simcoe to Otter Creek, and generally through the Long-Point country, the land appeared poor and sandy; but it is said to yield from 16 to 20 bushels of wheat on an average per acre; and that after two or three crops it was necessary to lay it down in grass.

From Otter Creek to Colonel Talbot's the land and crops were as fine as possible; the growth of the woods of the very first quality; black walnut abundant; new houses and barns, either building or finished; good roads, in straight lines, the openings about a mile wide, &c. This is said to be the case all along the South Talbot Road to Sandwich, for about 150 miles, and that the North Talbot Road is nearly as long, so that Colonel Talbot must have made from 250 to 300 miles of road in all. He is rigid in the exaction of settling duties, and exhibits the best if not the only good roads in the province.

We found Colonel Talbot's house upon a beautiful commanding eminence of about 120 feet high, overlooking Lake Erie. Although his settlement was begun before the late war with America, it was then so much broken in upon that he did not restore it till 1817. He has located in the whole about 30,000 souls, or 6,000 families; he makes no reservations, but allows the settler to choose his lot where he pleases, by which he will secure all the advantages of a dense population. His Crown and clergy reserves are laid out in large blocks.

We saw few settlers with less than 30 or 40 acres cleared, some with 100; this however is an old part of the settlement. The cost of clearing land is about 12 dollars per acre, and monthly wages about 12 dollars.

One gentleman assured me that he had 80 bushels of shelled corn to the average acre; that he had grown wheat 12 years in succession upon the same land; that his last crop averaged 30 bushels to the acre; that he considers 25 an average, and 40 a great crop: some reckon the yield by the sheaf, and one person said he generally expects six bushels from 100 sheaves. That last year, which was a remarkably good yielding one, they got nine and a half from 100 sheaves; and that one of his neighbours threshed out $71\frac{1}{2}$ bushels from 650 sheaves. There is an Agricultural Society established here, which, among other premiums, offers one for the best road before any man's lot.

A good deal of tobacco is now grown in the western part of the province; the acre will give from 1,000 to 1,200 lbs., and it sold last year at six dollars per 100 lbs.

At Port Talbot they were loading a small vessel with wheat, to go through the Welland Canal.

From thence to London the country is equally good and well settled. The Thames is a quick, clear river, of about 25 or 30 yards wide, with a good bridge over it. The town is quite new, not containing above 40 or 50 houses, all of bright boards and shingles. The streets and gardens full of black stumps, &c. They were building a church, and had finished a handsome Gothic court-house, which must have been a costly work. The site of the town is fine and commanding.

Returning to Brandtford by the northern route, the country averaged rather better, as it was more springy, and better suited to grass, and the grain crops equally good; on this route we passed, in several places, through more than 20 miles of unsettled land, held by absentees, and never were worse roads anywhere. This shuts up the settled country completely, and the settlers must wait for sleighing to get their produce to market, and of course bear the loss of any intermediate fall of prices.

Above 700,000 acres were advertised for sale this year by the sheriff of the London district, and 100,000 actually sold; this was in consequence of a late law of the provincial Parliament to collect arrearages upon their tax on wild lands.

From Hamilton we returned to York, by the Dundas-street Road; here we found a different soil, more clayey and tenacious; the grain not so fine, but the
grass

grass excellent. This sort of soil in the spring of the year, when the frost is going out, is almost mellowed to decomposition, and the water wears it away most powerfully. We saw gullies from 50 to 100 feet deep, which seem to have been worn by the long-continued action of the streams, and are unsafe to go down in carriages.

My next journey was to the Rice Lake, Peterborough, &c.

From Cobourg to the lake, through a well-watered country, undulating with pleasant swells, the wheat, as usual, particularly fine. We travelled in a light waggon at about six miles an hour, on a road which cost about one dollar per rod. Saw some farms recently sold, with improvements, to emigrants; one was pointed out, the possessor of which left England in March 1827, and he took his present farm with small improvements. He had growing about 15 acres of Indian corn, as fine as possible; about 15 of wheat; some in oats; three or four in grass; potatoes to yield some hundred bushels; and a fair proportion of felled land for his next crop. This was an Englishman with very slender means, except the labour of two full-grown sons; but his whole farm evinced tact and good management. We crossed the Rice Lake, and ascended the Otonabee River, for above 20 miles, to Peterborough; a fine river, which will hereafter be used by steam-boats, with a light draft of water: the land is generally good, and favourable for settlement, but may be considered as out of the market, by the ownership of absentees, whose residence is either unknown, or who set forbidding prices upon it. We saw a great many small openings, the relicts of former sham settlements.

Peterborough is the settlement begun in 1825, by Mr. Robinson, who then superintended the emigration of some of the poorest classes from Cork, whom he located here, and lived with them above 12 months. The place is well selected at the head of navigation, and with mill-power to any extent; the soil is dry and gravelly, upon a terrace of about 20 feet above the river. The townships of Ops, Emily, Smith, Otonabee, &c. corner here; and nothing impedes its complete and brilliant success but the pressure of absentee ownership, as the number of vacant lots do not exceed 300. They have already a saw, flour and carding mills, distillery and tannery, in regular work; about 60 houses: 22 framed buildings of sundry kinds were erected within the last 11 months. They have a plan for a steam-boat on the lake, to cost about 2,000*l.*, of which three-fourths is already subscribed.

The agent here thinks nearly 1,000 labourers (preferring young men) might find employment in this and the eastern part of the province.

He visited a gentleman near Cobourg, who attends particularly to the cultivation of hemp; he had sowed about 35 acres in different soils, sowing from 80 or 90 lbs. or about two bushels per acre; some, in a rich part of his garden, we saw eight and ten feet high; one field of about one and a half acres, about seven feet high; and in the other places, generally from four and a half to seven feet. He was building a mill for bruising it.

From Cobourg to the Bay of Quintè, the roads were good, the crops fair, the country well watered, but the land evidently weaker and apparently giving out. The last 10 miles was through a wilderness, all taken up by military grants; but a reservation is properly made for the Crown, where the canal must pass from the Bay of Quintè to Presq' Isle. The distance is trifling and the land low.

The Bay of Quintè settlement is the oldest in Upper Canada, and was begun at the close of the revolutionary war. We crossed over to the mouth of the River Trent, which flows from the Rice Lake, and is said can be made practicable for steam-boats, though at much expense; thence to Belleville, a neat village of recent date, but evidently addicted too much to lumbering. The whole distance to Kingston is about 75 miles and three-fourths, along this beautiful bay, the shores of which are all settled, and exhibit large fields of wheat: the farm-houses frequently with good orchards; and the points of land on either side run in long tongues into the bay, so as to vary its width from one to ten miles.

I was informed that owing to the ignorance or unfaithfulness of the first surveyors, the inhabitants were involved in continual law-suits, and that the Legislature, in despair, had passed an Act to confirm all the original surveys; or, in other words, to perpetuate errors.

Next day we descended the St. Lawrence, stopped at Gananoqui, where are the best flour-mills in the province; then at Brockville, a neat, thriving, new town, with several handsome stone houses, churches, court-house, &c. and about 1,500 souls. It is supported by a rich back country, of the Perth and other settlements. Thence to Prescott, &c.

While on the lakes, I understood there were, upon Lake Erie, about 100 sail of American small vessels, seven steam-boats, and eight sail of English small vessels ; and upon Lake Ontario about 100 sail of English small vessels, seven steam-boats, 30 or 40 American small vessels, and two American steam-boats.

The Welland Canal is now open, and in operation for vessels drawing seven and a half feet water, with its minimum width of 56 feet. It is 27 miles from lake to lake, but advantage being taken of the Rivers Chippewa and Niagara, the canal is only cut for sixteen miles and a half. There are 36 locks, which are 22 feet wide and 100 feet long. The deepest cutting is 56 feet, and the average of the deep cut for two miles is 40 feet. The difference of level between the two lakes is 330 feet.

In conjunction with the Welland, some observations on the Rideau Canal appear necessary ; its primary object was as a war communication, but in a secondary point of view, as a peace one, its advantage will be found not only in floating produce and merchandize between the two provinces, free of connection or interruption on the American boundary, but as it opens a line of settlement to the north of it, by which a number of townships, lately opened, may be filled up, and the population pushed along the centre of the province ; and from its mouth another branch up the Ottawa, in a north-westerly direction, will shoot out, and ultimately extend itself to Lake Huron.

At By Town, upon the Ottawa, the settlement is rapidly increasing. The steam-boat from Montreal goes twice a week. Townships north of this river are in request. Lumberers go 150 miles above By Town. It has fewer rapids than the St. Lawrence, and might be made navigable some hundred miles from it. This will be the shortest route to the Huron, and 300 or 400 miles less to Penetanguishene than by Detroit, and all through our own territory.

Very near to By Town there have been such extraordinary exertions in settling a new country by one individual, that I cannot pass them by unnoticed.

Mr. P. Wright came from Wooburn, in Massachusetts, in 1800, and took up lands upon the Ottawa ; he brought capital, and 25 labourers with him ; since which he has cleared 3,000 acres, owns four farms, employs 63 labourers and 33 mechanics and assistants, and makes 1,100 tons of hay annually ; he has 756 acres in grain and roots, with stock and pasturage in proportion ; his buildings are valued at 18,227 *l.*, and the sum total of his farms, stock, buildings, &c. at 57,068 *l.* 15 *s.* (*See a Report of the Committee to the Legislature of Lower Canada, 1824.*) And such has been the result of a conversion from the wilderness in 24 years, when the land might be considered as without value ; but this situation has possessed advantages of a very peculiar kind.

On examining the sales of the clergy reserves, I found that 13,000 *l.* was the gross amount of one year's sales, averaging about 15 *s.* the acre ; and the reflection which naturally arises is, to what value this beautiful province might have been raised, under a more economical management of its land resources : and it would be unjust, both to the late and present governors, not to mention this in its proper light, and attribute the errors to the old administrations.

In all recent military grants, conditions of actual settlement are exacted, or lands proposed in rear of the surveyed townships ; but I do not see how justice can be done to the province, without the establishment of a court of escheat, to recover lands where conditions of settlement have not been fulfilled ; or by some legislative enactment to draw from the landowner such a proportion of local improvements in roads, &c. as the public good requires. I found at the Surveyor-general's Office, that 81,200 acres were assigned in loyalist and military grants, in 1828 and 1829, while at the same time only 17,650 acres were taken up by settlers ; and if we suppose the settlement of a new country to proceed in this proportion, and reflect that two-sevenths are reserved for the Crown and clergy, and besides a certain portion that is always unimprovable, the burden of labour for unavoidable objects, such as roads, bridges, &c., which is borne by the residents, will fall too heavily upon such a scanty population.

At Prescott we saw an uncommon large steam-boat upon the stocks, for Lake Ontario ; she was to carry 4,000 barrels of flour, with two engines of 140 horse power each, and she was to be launched soon.

The whole population of Upper Canada may be taken at above 200,000 ; but I could not obtain information of the number of emigrants arriving annually.

LOWER CANADA.

IN descending the St. Lawrence and entering Lower Canada, the difference in the crops, climate and agriculture is striking, and all against the lower province; but the inhabitants consider themselves as compensated for their longer winter, in the health they enjoy and the purity of their atmosphere. It ought to be remarked, therefore, that in Upper Canada as in the Genessee country, and especially near bodies of fresh water, the fever and ague is complained of; and, in unhealthy seasons, the autumnal bilious fever, so frequent in the middle parts of the United States.

The agriculture upon the St. Lawrence is for the most part upon the old French system, repeated upon the same fields without intermission, until they are quite exhausted; and if the valley through which it flows had not been very fertile, the inhabitants would have been long since driven back to the cultivation of new lands. The mode of settlement upon seigneuries, the desire to be near their church, the plain, sociable, kind-hearted character of the Canadians, all conspire to make them cling together, as long as subsistence can be got: not only the external customs, but the politeness of old France is distinguishable at once among these simple peasants.

Upon the island of Montreal a superior degree of agriculture is evident, and I was informed it arose from some English and Scotch farmers having bought out the leases of the Canadians, and determined to live upon the seigneuries.

The seigneurs to whom lands were originally allotted by the Crown, were regarded, under the old French regime, more as agents for the settlement of the province, than barons for its defence or war-service; and the Canadian seigneur re-granted his leases, in perpetuity, at a rent certain, not to be raised; and whenever the lessee sold his lease to another, the seigneur was entitled to one-twelfth of the sale price, as an alienation fine; but to no fine by inheritance; so that the present holders pay no more as rent, than the sums originally agreed for, which are mostly light, from 10 s. to 1 l. for the lot.

On the other hand, the seigneur has his duties to perform for the benefit of the settlement. He must build a grist-mill, and have it going, or able to grind every week-day in the year, and he must make the roads required by law. His tenant is also obliged to grind his corn at the seigneur's mill. These are the principal obligations between them; and the size of the farm granted is usually of three arpents in front, by 30 deep, or rather under 70 acres. The shape of these farms explains the street-like appearance of all their settlements.

It is curious that in Upper Canada the English should have adopted the term concessions, and laid out roads by the diagram, from the French practice.

Whenever a seignury is disposed of, an alienation fine of one-fifth sale's price is paid to the Crown; thus the one-fifth to the Crown is called the King's quint, and the one-twelfth to the seigneur, his *lods et ventes*.

I arrived at Quebec on the 6th of August, and presented my letter to Sir James Kempt, who immediately sent circulars of introduction to the heads of the several Crown-land departments; and with an unabated strain of kindness and attention, in addition to his practical experience, contributed his utmost to my assistance while in Lower Canada.

The Crown's rights and interests in lands in Lower Canada, are,

- 1st. Paramount rights over seigneuries granted to private individuals, upon which the Crown receives its quint on sales.
- 2d. Lands *en roture*, which the Crown as seigneur has ceded to occupying individuals, and retains its one-twelfths or *lods et ventes*.
- 3d. Townships granted in free and common socage.
- 4th. Ungranted lands, grantable in any manner it may please the Crown.

By the Inspector of the King's revenue and estates, who had only been in office about two years, I was informed that a large amount might be considered due to the Crown, for unclaimed mutation fines for the last 29 years; that in 1801 an Act of the Provincial Legislature was passed, annulling all fines then due to the Crown upon former alienations, but confirming those unpaid upon the last sale, and that the sum then accumulated upon many years of negligence, must have been large. That of the other sum above stated as having accrued since 1801, about half may be considered recoverable, &c. But having received a particular statement from

him of the concerns under his care, I have presented a copy of it, lest I should have done him an injustice by using explanations of my own.

From the Commissioner of the Jesuits' estates, I learned that they are seven in number, containing originally 793,342 arpents, from which deducting the amount conceded of 221,934 arpents, leaves 571,408, equal to 485,700 acres, remaining grantable. These estates were in the hands of the Jesuits before the conquest, when they devolved to the Crown; but were permitted to remain in the order till the death of the last of the brethren in 1800. They were mostly bequeathed by several testators, in consideration of services performed by the Jesuits, by converting Indians to Christianity, and in compensation for their losses, expenses, &c. But it is needless to dwell further upon what has already been the subject of correspondence.

The circumstance of the English and French laws being both in force in the same province, must create confusion, and impede its advancement in prosperity. It is equally unpleasant for the Canadian to settle upon the townships, as for the English to go upon the seigneuries.

From the Surveyor-general's Office I learned that the number of townships organized and surveyed, in whole or in part, in all Lower Canada, was 134; and that the whole disposable amount of acres belonging to the Crown will be about five millions and three-quarters, viz.:

Remaining ungranted in the surveyed townships	-	-	-	-	-	1,450,000
Crown reserves, when appropriated	-	-	-	-	-	1,040,000
					Acres	2,490,000
In the projected townships	-	-	-	-	-	3,233,000
					Acres	5,723,000

But as projected townships are of too vague a nature to form a reliance upon, it would not leave more than two millions and a half available in the lower province, which, from an inspection of the map, one would suppose must be erroneous, and projected townships mean no more than ideal lines in an unexplored country.

The number of acres in the townships laid down on a map annexed to a Report of the House of Assembly, 1829, and south of the St. Lawrence, are stated by estimate at 5,500,000. The number in the seigneuries, including Anticosti, is 11,000,000 arpents, or 8,400,000 acres, to which may be added the lands north of the St. Lawrence, on the Saguenay, and in the Gaspé district, the whole of which may be 18 or 20 millions, and it would seem almost impossible but that there must be more land available for settlement. The Sixth Report of a Committee on Lands, made to the House of Assembly in 1821, returns 150 townships granted in free and common socage, which have been surveyed since 1795, containing acres "accordés" 2,203,709, and the reserves for the Crown and clergy, 885,365, which is equal to one-fifth of the "accordés," or 40 per cent. upon the whole.

Take the whole number on the map	-	-	-	-	-	5,500,000
Deduct two-sevenths of 5,500,000, the number which is to be reserved for the Crown and the clergy	-	-	-	-	-	1,571,430
Would leave grantable	-	-	-	-	-	3,928,570
There have been "accordés"	-	-	-	-	-	2,203,709
					Remain	1,724,861
Add thereto, the amount of Crown reserves which may be considered available, say one-seventh of 5,500,000	-	-	-	-	-	785,715
					Total available	2,510,576

Which gives an amount nearly the same as the Surveyor-general's Statement, exclusive of the projected townships, at which, therefore, it may be safe to take it.

The Surveyor-general also, in evidence before a Committee of the House of Assembly, 1823, estimates the whole extent of Lower Canada at 150,000 superficial miles, of which not more than 30,000 have been explored, and are tolerably known, which would be equal to about 19 millions of acres.

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The size of a township in Lower Canada is 64,000 acres gross, deducting 5 per cent. for highways, leaves 61,000 net.

Again, the early surveys were frequently made by order of the grantees, without an after-examination to prove their correctness; and it is notorious that, in early times, so little attention was paid to exactness, and in the few instances where I could learn that attempts at verification had been made, such errors had been discovered, I could not recommend the adoption of any system of settlement without previous investigation to ascertain their authenticity. Without this a lawsuit would be the consequence of every grant, and the seeds of endless litigation and hostility planted in every settlement.

With the progress of things the duties of the Surveyor-general's department have varied exceedingly. When the province was new and unexplored, topographical knowledge was of the first importance, and it was expected from this department only. But when the province has advanced, the principal duties of the Surveyor-general consist in performing practical admeasurements, in having faithful and correct plans and maps preserved for inspection, with the means of illustration by the surveyor's field notes; but the duty of an office of record, as it appears to me, ought to be kept separate, not to be mixed up with the surveyor's plans, nor the settlers' names inscribed upon them.

All records of landed transactions, I should think, are more attached to the office of Commissioner of Crown lands, which has sprung up of late years.

With the Commissioner of Crown lands I had the pleasure of frequent intercourse, and found his books and accounts clear and regular. A statement of his sales and receipts of land, which I believe are of Crown reserves, from the 1st January 1828 to the 1st June 1830, have been presented; by which it will appear that in that time he had sold 58,798 acres.

In the last six months he had not sold above 5,000 acres, but in the six months preceding 10,000, because his public sales by auction take place in October; and it will be found that his sales run from 2 s. 6 d. to 10 s. the acre. By orders from home he advertises land for sale at public auction, and at an upset price, and as it rarely happens that two people are competitors for the same lot in a wild state, they combine against him, and the result operates against an advance in price.

He is also instructed to offer more favourable conditions to the purchaser of a 50-acre lot than to one of a common size; the result of which is to take the labourer out of the labour-market, and to make him a poor settler. He thinks that sales to the extent of 5,000 l. per annum may be effected from the leased Crown reserves, and a further amount from those untenanted, which will go on increasing. He showed me a memorandum of sale of 20,350 acres, reserves, of which say one-fourth were leased, one-third partly leased, and the remainder, or nearly one-half, in a wilderness state; the leased sold at 7 s. 6 d., some in the Montreal district at 6 s. 3 d., and in the Quebec ditto at 3 s. 6 d. the acre. The purchasers were British emigrants, some Canadians, but no Americans.

He showed me another memorandum of 276 lots originally leased in the province, 30 had been granted, 134 held by persons who could show titles, the remaining 112 had either been abandoned or were in possession of squatters; and of these 134, 31 had been sold to tenants, and upon the remaining 103 the annual rent is 386 l. 5 s., and there was due upon these leases 2,231 l. 8 s. 10 d.

In some of his statements the term quit-rent is improperly used, for he does not grant upon *quit-rent*, but allows poor settlers to take up small lots, and pay interest at 5% upon the purchase, with the right of paying up the principal when convenient to them, and a promise on his part to give them deeds, which is, in fact, more advantageous than settling upon a seigneurie. This is perfectly right, and the only improvement to be hinted should be for a time to be fixed for payment of the principal, to prevent an unnecessary accumulation of small debtors.

So many sales have been made of lands heretofore under lease, that those in future may, for a time, not average so high.

He has also the sale of the clergy reserves, and had received offers for parcels in different parts, in the whole to the amount of 12,000 l. The average value per acre I did not understand, but I thought it as high as his other sales. The clergy, however, did not think the offers sufficient, and they consider that only one-fourth their interest in each township ought to be brought to market, and the other three-fourths reserved for future disposal. The words of the Act of Parliament, 7 & 8 Geo. 4, c. 62, are to authorize "a sale of said clergy reserves, &c., not exceeding in either province one-fourth of the reserves within such province," &c.

About 500,000 acres are appropriated as clergy reserves, and perhaps 100,000 disposed of by lease, the net proceeds of which do not exceed 250 *l.* per annum, and four years ago did not pay the charge of collection. The township of Shefford being on a road which ought to be kept open, was lately offered for settlement. The Crown and clergy reserves in it amount to 17,838 acres, in distinct lots of 200 acres each ; but upon verification of the survey, they were found to run from 105 to 296 acres, a sad proof of the inaccuracy of old surveys.

This discovery has obliged him to advertize in his auction sales "that lots are sold by the contents in acres marked in the public documents, without guarantee of the actual quantity." He has, in fact, no other course.

The rents or dues for timber cut in the lower province are at present less than those in the upper, owing to the greater accessibility, by means of small streams flowing into the Ottawa, from the upper than from the lower province ; but the quantity of timber is supposed as great in one as in the other. By the natural course of things, that which is most accessible will come first to market. It ought to be borne in mind that there is a peculiar danger in this species of property, to which it must be ever liable, *that of fire in a dry season*, and of which the sufferings of New Brunswick afford a memorable and terrible example. On every account, therefore, it would be well to have it realized, while it contributes so much to the benefit of the province as it now does, by giving employment to the lumberman, and to British vessels trading to Quebec.

Above 2,000 lumbermen and rafters were employed upon the Ottawa alone, and 600 vessels, with 7,743 men, were reported at Quebec in 1829.

His Majesty's Government had formerly been in the practice of giving lands gratuitously to encourage the settlement of the province. By the Report of 1821, already quoted, 2,203,709 acres were appropriated, of which 1,472,394 were conceded by one governor between 1799 and 1805 ; and failing in this object, the new system of sale has been resorted to, and as far as it has been tried it answers well. The public sales have been already noticed ; but it may be well to add, that from the application of some Canadian youths, a tract was laid out near the Chaudiere and River Famine, which was sold last October, and went off well. Under a prudent management this mode will insure the accumulation of a fund sufficient to meet all charges incidental to the settlement of the Crown lands, and might leave a surplus.

It appears by one of the Reports of the Legislature that about 250,000 acres had been appropriated to the militia, for services in the late war, and that 64,000 were held under certificates of location ; but it was generally said that many small grants had been bought up, and that some individuals held large quantities. The new system was begun in 1826, and had just begun to take root, when, in 1828, new Orders came out, interfering with its operation, but not entirely superseding it ; by these gratuitous grants were restored in favour of half-pay officers, and (for a limited period) officers and soldiers of the late militia. The effect of these Orders was certainly to check the disposition to purchase lands, and to depreciate their value.

The soil of the townships south of the St. Lawrence is different from that of the valley through which it runs, and more adapted to grazing farms and pasturage. The country is irregular, of frequent rolling swells, as in Vermont, to which state it joins, and is said to be of the same sort of land. I understood that the Vermonters had crossed the line, and partially occupied several townships, bringing with them their own municipal customs ; and that when the impropriety of electing their own officers was pointed out to them, they had quietly given them up, and promised to conform to those of Canada. Good stage roads are open, and in daily use, and travellers pass from the Canada line to any part of the United States ; this fact, however, seems to call attention to the settlement of the townships, and the Americans would readily sell their Betterments to European emigrants, and move back, or take up new lands.

This state of things has been well observed and met by the vigilance of Sir James Kempt, who for two years past has directed the location of emigrants upon the townships of Leeds and Inverness, under the management of the Commissioner of Crown Lands and the Government agent for emigrants, now residing at Quebec ; by whose permission to occupy, an emigrant may now go on, immediately after his arrival, to either of these townships, and take up his lot upon paying one-fourth of his purchase-money ; and a poor man may take up half a lot, upon paying five per cent. upon the valuation in advance, and the same rate of interest upon it until he

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is able to pay for the whole ; and as soon as he has paid his consideration money he is entitled to his deed. These settlements are conducted with much skill, economy and practical knowledge, and will be frequently referred to in case of the adoption of any system of emigration : first, the idea of continuing them along the road called Craig's Road to Vermont, through townships run out and partially settled, is a happy one, as instead of settling the wilderness without an object in view, it is the mean of filling up an intermediate blank, and of connecting separate districts already in high improvement.

In 1829, upon the reserves in Inverness, 39 families were placed, to whom 3,890 acres were sold, at 4s. the acre, from whom 57 *l.* 18 *s.* as first payments, and some quit-rents, were received, and 98 *l.* 15 *s.* 9 *d.* was expended upon their roads. In 1830, on the same township, to the 1st August, 35 families were placed, to whom 3,700 acres were sold ; 61 *l.* was received from them, and 50 *l.* expended on roads. The reserves remaining disposable are, in the Crown 81 $\frac{1}{2}$ lots, and in the clergy 31 ; total 112 $\frac{1}{2}$ lots, containing 22,500 acres.

Gratuitous grants were made in 1829 to 21 persons, containing 2,300 acres ; and in 1830 to three persons, containing 600 acres ; and, in addition to the open Crown lands, there is a quantity, supposed liable to escheat, of perhaps 10,000 acres.

The above return of 31 open clergy reserves, with 6,200 acres, would leave only one lot of 200 acres for a resident clergyman ; but the clergy claim three-fourths, as before mentioned, in which case their disposable lots would be only eight, or 1,600 acres, instead of 6,200.

In June 1829 the number of emigrants in Inverness was 86, and they had 220 acres under crop. In 1830, August 26, there were 750 inhabitants, who had 1,035 acres under crop ; and 79 families were in the progress of settlement in that town, between the 1st June and that day ; and 25 or 30 more were expected, who had mostly engaged their lots, which makes an addition of nearly 500 souls within the last two years.

A Court of Escheat is instituted in Lower Canada, and a judge appointed ; but no causes have yet been tried ; much benefit would no doubt accrue from its operations, especially if commenced after a Governor's proclamation (according to the idea of Sir James Kempt), declaring the object of Government, and commencing with an attempt to liberate such lands as stand in the way of settlement.

The number of emigrants arrived this year was much greater than in any previous. In 1829 the whole number was 15,945, and when I left Quebec, at the end of August 1830, the number was 25,000, and the Autumn fleet not having arrived, it may not be over sanguine to expect a probable number for this year of 28,000 or more. The duties of the Government agent are, to give every assistance to the emigrant upon his arrival, to protect him from imposition, to place him upon a lot, or find labour for him, of which hand-bills or notices being posted up, his business is universally known, and his office is generally thronged. His advertisements in the newspapers invite those in want of labourers to apply to him ; and his object is to distribute those who have families in Quebec or near it, and the single men at greater distance. Many labour on board of vessels, on rafts, wharfs, or in the timber yards, or are engaged as servants ; the Government works take off many : and they are encouraged to deposit their earnings in the savings bank. Lists of townships open for settlement are in his office, to the location agent in either of which, whether in Upper or Lower Canada, he gives the emigrant a ticket of recommendation.

By the Governor's orders public notices are printed, not only explaining the roads to be travelled, but the charges also to which the poor person is liable. In fact, the object is to shield the emigrant from imposition, and put him in profitable employment as soon as possible, with the utmost saving of his slender means. To the success attending these plans already detailed it may be added, that it was a current remark at Quebec, that however large the arrival of emigrants, the town had never been so clear of beggars. It is the agent's duty also to visit the settlements occasionally, the nearest of which is 36 miles from Quebec. The plans are now generally understood, and show the good feelings and good sense with which they have been got up.

To the eye of a rapid traveller no people can appear more contented and comfortable, or more abundant in kind feelings than the Canadians ; and I cannot but believe that however certain proceedings in their Parliament may show dissatisfaction, it is not the feeling of the province generally. It is notorious in all new

countries, that the bulk of information is among professional men, and that the agriculturalist is comparatively unenlightened, for he lives secluded from the world, and performs the work of a day labourer upon his own farm. In Canada, however, the seigneurs, as a landed interest, must have a controlling influence, and I confess that I should not object to it, as an open aristocratical balance, in their own right.

Perhaps I ought to be altogether silent upon provincial politics ; but the fact is so apparent to me, that all the wealth and importance of the Canadas has grown out of British protection, and the circulation of British capital, and that a continuation of their prosperity is so inseparably connected with these, that I cannot refrain from explaining myself, that a state of independence would, as I apprehend, reduce them to perfect want, if not to misery. Connected with the mother country, I see no reason why they might not go on prosperously for ages. The desired object should be to give to both as much happiness and prosperity as the connection can command.

It is therefore devoutly to be wished that the financial question which has so long agitated their Parliament, may be settled upon a basis of mutual satisfaction.

It is necessary to refer to the question of fees in the land-granting departments ; for the settlers press for their deeds, which are not yet given, because the fees are not determined upon, and are regarded as vested rights by those to whom they are due. A tariff was established in 1797, when large grants were made, and it apportioned them by the 1,000 acres, but took no notice of smaller grants ; and when they are reduced in that ratio to the 100-acre lot, they will not pay the clerk hire of the officers, one of whom assured me that he only wished them to be placed upon the fair principle of "*quantum meruit*." The Council did indeed recommend another tariff of fees in 1828, which amounts to 2*l.* 15*s.* per deed ; and this is again objected to by the settler, who is usually six or eight years in collecting his 20*l.* to pay for his land ; and payment for the purchase being itself a novelty, he considers all other charges as grievances.

It is the usual practice of proprietors in the United States to authorize agents to convey lots by power of attorney, and I would take leave to suggest something of this nature as the most simple, and under all circumstances of the case, the most equitable mode of proceeding.

It is to be remarked also, that by Act of Parliament, 31 Geo. 3, c. 36, one-seventh of all lands granted in the province is reserved for the clergy, and one-seventh for the Crown, and the expression is positive, to reserve *one-seventh of every grant* for the benefit and use of the clergy ; so that although a seventh part of a township be originally reserved as directed, it becomes necessary, in making out deeds of reserves, to reserve again another seventh of the seventh part. This surely could never have been the intention of Government ; and if the evil cannot be remedied by instructions, it may be well to have the Act examined, and if thought proper, corrected.

The population of Lower Canada is stated to have been 65,338 in 1784, and 428,000 in 1823, by the Surveyor-general's evidence before a Committee, in January 1824 ; and taking their ratio of increase at 3½ per cent. compound interest, it would now give an aggregate of 544,000 souls.

Having accomplished most of my duties at Quebec, I proceeded, on the 30th August for New Brunswick by the Grand Portage. The road through Beaumont, St. Valieres, L'Islette, &c. to Kamouraska is excellent ; much upon a natural terrace above the noble St. Lawrence, and through a dense but narrow settlement, is beautiful. The land in general is worked to exhaustion, crops poor, and apparently yielding a scanty subsistence for the population. On the north side of the river the hills or mountains are mostly cultivated ; not so on the south side, where the country is mostly low, and the hills towards the end of our journey sterile. A change of climate for the worse is evident in this short distance. At St. Andrè the river is 17 miles across. We left it (Sept. 1) and passed through some new settlements, all from reclaimed swamps, for five or six miles, to the River de Loup : this was a frosty morning, the potatoe fields were all black, and their tops killed ; much of the wheat was green. The River de Loup, when its waters are swollen by the melting of the snows, may be considerable, but when we passed over the bridge, it appeared reduced to 40 yards wide and not knee-deep. The next river was a much smaller one, the Green River, about eight or ten miles from the St. Lawrence, into which both these streams run ; and the next we arrived at was a trifling stream also, the St. Francis, about 15 miles from the St. Lawrence, running towards the south.

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I have been particular in these remarks, because we were then upon the disputed territory.

The Portage is about 36 miles across; we passed it easily before sunset; the roads, though bad, better than I expected. There were two or three high mountains; much swamp; a great part of it a complete bed of rocks; and on the whole way through the woods it offers very little encouragement for settlement.

The Temiscouata Lake is about 30 miles long, but we only passed along about half of it. The land was generally inferior, but on the western side were several swells of good land. There are not above three or four settlements visible. The Madawaska River is the outlet of the lake, and we descended the whole of it, about 30 miles. It is of a quick current, about 30 or 40 yards wide, and its banks are in general capable of cultivation. There were six or eight settlers upon them; some were doing well; one showed me a body of above 30 acres under cultivation; but they were in fear of frost, as their wheat was in the milk.

The autumn-sowed wheat is always winter-killed, and they therefore sow their grain as early as possible in the spring; which is frequently done upon a winter fallow, without a second ploughing, and only harrowed in, while a thin surface is thawed; thus their wheat ripens earlier.

We stopped at the Madawaska settlement upon the St. John's, and somewhere hereabouts came within the old limits of

NEW BRUNSWICK.

THE Madawaska settlement was composed of Acadians, who left Nova Scotia before the revolutionary war, and have now increased to between 700 and 800 souls, occupying 15 or 18 miles upon the river, in straggling houses. The land is fine, but, as may be expected, they are full a century behind. They have no roads, and maintain all intercourse by canoes. They have a church and a (Catholic) priest, who takes his tithes of one-twentieth of the produce in grain and potatoes; he has taken of the latter, as the grain crops have failed repeatedly.

We passed the Portage at the great falls of the St. John's, which are about 70 feet perpendicular, and the White Rapid rather dangerous, in a few miles from which the river grows wider and the land is better.

This was a gradual emerging from the wilderness, with the first settler only here and there, in a miserable log-house, then more frequent; next, houses with the addition of barns, and so on, in the scale of civilization gradually rising, until we witnessed the improved villa, and arrived at Fredericton, the capital of the province.

The valley through which this fine river flows is mostly of very excellent land, and capable of maintaining a large and dense population. The river itself is of the second character of the American rivers; but it has many rapids, and a great proportion of quick water. It is interspersed with many valuable islands, of uncommon richness; sometimes it narrows to less than a quarter of a mile, and again expands to a great width. The distance from the Madawaska to Fredericton is about 160 miles, which we went in canoes, and arrived the fifth morning from the Temiscouata Lake.

At Fredericton I delivered my letter to Mr. President Black, from whom I received every assistance and civility during my short stay. He introduced me to the Commissioner of Crown lands, whose office is lately incorporated with the Surveyor-general's, which appears a very judicious arrangement. The Commissioner then being under orders from Government to proceed on other duty, deprived me of the advantage of much of his conversation; but I had free and unlimited access to his books and office. I learned from him that the superficial contents of the province are about 16,500,000 acres, and that the Crown has not disposed of above 2,000,000; so that if from the remaining $14\frac{1}{2}$ we deduct 25 per cent. as unimprovable, which, from the information he had acquired of the soil, he considers a large allowance, there will remain about $10\frac{3}{4}$ millions net open and available for settlement, to which may be added 250,000 more, considered as revertible to the Crown, in case the process of escheat should be resorted to, making in the whole about 11 millions of acres.

Here then is a large and compact body of land, accessible by sea on two sides of the province, each containing many harbours, some excellent, intersected with rivers and streams in all directions, so that there is not a single point in the pro-

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vince more than 10 miles from a running stream which communicates with the ocean. The rivers and seas abound with excellent fish, in perfect profusion. The forests produce an inexhaustible supply of pine timber; and the climate, though cold, is remarkable for longevity. The appearance of the inhabitants indicates great strength and muscular power; and yet, as a place of resort for the many emigrants leaving their native shores of late years, the province of New Brunswick has either been overlooked or not sought for, at least they have not been attracted there; and of the arrivals, averaging about 3,000 for the last three years at the two ports of St. John's and St. Andrew's, a great proportion have gone to the United States; they show in fact a yearly diminution, while in Canada there is a great increase, a certain evidence that few settle there, because among those going to Canada it is found continually that they come out by advice of friends previously emigrated.

The quantity of land surveyed is about 200,000 acres. The size of a township preferred is 15 miles square, which would make it about 144,000 acres, a size, as it appears to me, most inconveniently large.

Nothing can be more inconvenient also than the manner in which the county lines have been drawn, as will hereafter be found out; but as they are not yet surveyed, they may not be considered permanent. In the early stage of society the country business causes much movement to the seat of government, for the legislature and other purposes, which they regard at first more than county convenience; but when they settle fast, and a shire-town is wanted, compactness and the shortest distance to it is indispensable. If the lines are run by the cardinal points of the compass, it is well for the township lines also to conform to them, and in fact the county lines, as far as they go, will then serve for township lines, and save the expense of twice running.

There are no clergy reserves in New Brunswick as in the Canadas; but certain grants for glebes have been made, which will not exceed 15,000 acres, and there are reserved for glebe, church and schools, amounting in the whole to about 20,000 acres.

This province was begun in 1784, and lands were granted on quit-rents at the rate of 2*s.* per annum for 100 acres; and it appears that 111 grants were even made last year, of 52,030 acres to 283 grantees, for the rent of 58*l.* 1*s.* 8*d.*; these were, however, made under old Minutes of Council, and for the usual rate of fees, which is inconsistent with the spirit of the new system, and at variance with the Crown's interest in the wild lands.

It would, however, be unjust to the late Governor, Sir Howard Douglas, not to explain that grants under old Minutes were considered by the authorities as the completion of existing contracts still binding on the Crown. I do not know if the same conditions are exacted in all the provinces; but it seems reasonable that some term for the fulfilment of them should have been limited, and most unreasonable that the grant should be completed after such term would have expired, and if necessary, this may be adverted to in future orders, &c.

Of all the inventions intended to check the natural advance of a colony, I should think the quit-rent system the most effectual; and considering the experience of 43 years, from 1784 to 1827, during which time no revenue was received from it, one would not expect to see any traces of it. In 1827 orders are said to have come out to cancel all arrears of quit-rents then due, but requiring regular payments afterwards, without pointing out the means of enforcing or collecting payments. There has not yet, however, been greater punctuality in payment than before, and the tenants, all moving by the common impulse of interest, advise such measures as may procure them their lands free of cost. Thus are the bulk of the landowners interested in keeping down the value of lands, and, as far as that goes, the rising prosperity of the colony also.

The Commissioner of Crown lands has been instructed to notify that if any person wished to free his land, he might have a deed in fee by paying 20 years' purchase, which, at 2*s.* rent, would be 2*l.* for the fee of 100 acres; but the arrearage from 1827 would be required. Many people have applied, but there being no power to give deeds, things remain in *statu quo*.

He had been collecting a list of all the grantees in alphabetical order, and had got far into the letter M, but under existing circumstances no further. There appeared in his list, by my estimate, from 7,500 to 8,000 names, which at 100 acres each, or 2*l.* (and many hold large tracts) would amount to 15,000*l.* or 16,000*l.*; and if the whole alphabet were completed, might exceed 20,000*l.*

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I was informed that some proposals to sell these quit-rents had been made, which had led to an offer at a lower price; and it is apprehended that such bargaining may rather impede than assist a sale.

If a power of attorney were sent out to the President and Commissioner of Crown lands, to act jointly but not severally, and under the Governor's approbation, the lands might be released to those who wish to pay for their enfranchisement, but the power to release must be given under the Great Seal. In such a case Government would be saved from bargaining, and no plan of ulterior advancement in the value of land would be interfered with.

It ought to be remarked that while the grant of lands on quit-rent has continued, their value has not increased; for they were let of late with all the advantages and improvements of New Brunswick, at 2 s. per 100 acres, the same rate as at its settlement in 1784, and the tenants have not paid, and do not pay their rent; but if applied to, to re-let or sell, their ideas of value immediately change. While New Brunswick and Nova Scotia have remained as they were in 1784, in regard to the value of wild land, what a difference is seen in the United States, where land has been sold on freehold; their advance has been from 6 d. the acre to 1 l. and 2 l.

Many squatters are also on the lands, who would buy at current prices, or pay five per cent. interest on their purchase, as in Canada. The Commissioner thinks it would be well to grant them the indulgence.

The granting half-lots, or 50 acres, to poor settlers, brings with it very objectionable consequences: it places a poor settler in a better situation than one of small means. Many people are desirous to appear poor who are not so, and even perjury has been resorted to, to obtain so small a privilege. The poorest, who would otherwise be labourers, are in this manner made settlers, and a portion of labour, wanted by all, is taken out of the market. No one will hire himself out as a labourer if he can obtain a lot of his own; and no one *can* bring a farm under cultivation to advantage, unless he has *some means* to begin with, or understands wilderness farming, or how to exchange labour for labour. The best mode for the stranger emigrant is to hire himself out for the first year or two, to learn the rough farming business of the colony; and if he will lay up enough to assist himself, he will then be sure to succeed. Wages have not fallen in this province since the last war.

The Surveyor-general's Office has been in a most deplorable state, owing to unavoidable causes; but the present Commissioner hopes to restore it to order, and his efforts seem well directed to it.

The collection of fees is still continued upon grants of land, &c., although some officers have given them up to the Crown for some other remuneration, as was strongly recommended by the late Governor; and when received, they are carried to the credit of the casual revenue, but the Crown is not relieved from the odium of their exaction. They amount to 12 l. 11 s. 8 d. currency upon a lot, either of 100 or 200 acres, and, in fact, exceed the sale price of the 100-acre lot by 6 d. the acre on the present price of 2 s., so that unless a lot of 125 acres is sold, nothing appears to be obtained by Government, and upon a lot of 200 acres about 8 d. only per acre, or about two-thirds, appear as fees. It is not surprising therefore that settlers do not buy lots of 100 acres.

When lots are sold at Fredericton, there is a charge of 2 l. for a location ticket, which is paid in cash, and one-fourth the purchase-money is payable in advance.

But there is another evil in these arrangements, that the settler agrees to pay for his lot before he can raise the means from the produce of his soil, and this frequently obliges him to quit his farm and get money in some other way. Such plans must tend to a further depreciation of lands. The natural course of things is for a settler to be unable to pay anything for the first five or six years; then, as they term it, he begins to *sell*, or has, in other words, more produce than is required for his subsistence, and as this lasts for a few years only, his payments ought to be arranged to come round at the same time.

Proprietors who sell lands have this always in view, and the settler can afford better to pay 5 s. per acre, with a liberal credit, and some years free of interest, than 2 s. with the location ticket and conditions of sale at Fredericton. Besides, the machinery of fees and tickets is complicated, incomprehensible to and detested by the settler, who wishes to know his whole amount at once, without unnecessary teasing.

To many settlers this is the only contract in their lives, and it frequently occupies a whole life to discharge it.

After the settler has invested labour on the land, he is not likely to abandon it; and every

every one knows by the growth of the trees upon the land, whether the object be to get lumber or make a farm. I have dwelt more than may perhaps seem necessary upon the existing system of settlement in New Brunswick, before I suggest one which appears to me preferable.

I would never offer land for sale until previously surveyed, nor have it surveyed until previously explored; that being done, I would recommend opening a road or path for horses, called a winter sled-road, to connect two points of natural indication for towns, or to connect towns already built. This would not cost above 3 *l.* or 4 *l.* per mile. Upon each side of it I would then lay out lots of 100 acres, each abutting upon it, but not crossing it, with 80 rods in front; and whenever circumstances render it advisable, I would *expand* the settlement to *any width* that might be wished, or branch off in lateral roads upon the same plan to places well adapted to other towns or villages; and either follow the bent and feelings of the advancing population, or continue on my original line. This would be, in effect, a systematic adoption of that practice which has *naturally* governed the settlement of the United States; and either carried them on in a narrow line, or expanded them over wide tracts, as a poor or fertile soil, &c. has made it the interest of the occupying population.

It is also the same principle upon which the Talbot country in Upper Canada is settled.

It would also give to the Crown officer the advantage of distributing and placing on the population, as best adapted to the public good, in which the defence of the province would not be overlooked; and every settler would prefer a location on a public road. The peculiar advantage to be derived from it in this province is, that such a road might be occupied from St. Andrew's to Fredericton, from Fredericton to the Madawaska settlement, on the St John's, thence to Lower Canada by the Etchemin Lake; and again from the head of the Bay of Fundy, along the eastern shore of the province, to meet the road begun by Sir James Kempt. Instead of going to the expense of surveying large tracts into townships, as heretofore in the Canadas, it would suffice to keep only one or two years in advance of the want of lots, according to the demand.

With regard to the sale price, I should suggest 5 *s.* per acre, or 25 *l.* for 100 acres, whereof 2 *l.* cash down, (as in the case of the present location ticket), and the residue payable by instalments; say one-third or 7 *l.* 10 *s.* in three years; one third in six years; one-third in nine years. But the first instalment, due in three years, should be received in labour on the road, in front or nearly so, of each man's lot; this would be another inducement to the settler to exert himself; and he would not be called upon for money until his farm was in a condition to afford it; it would also give satisfaction to the province, whose roads would thus be made as far as the new settlements were opened; for the erection of mills, other encouragement might be given, as well as for schools and clergymen. Upon this plan, eight settlers would occupy one mile; 80, 10 miles; 800, 100 miles, &c.; and the first instalment of 7 *l.* 10 *s.* by eight settlers, or 60 *l.* for the mile, would be sufficient to make it a good road for wheel carriages.

By these means the wild lands would be got up to yield above 3 *s.* the acre, instead of 8 *d.* as at present. We should operate upon a surface of eleven millions of acres in New Brunswick, upon which the increase at 2 *s.* per acre, would give a benefit of more than four millions of dollars, or about one million sterling. The same principle might be carried into the other colonies, and it would be the cheapest mode of settling them.

The wording of the deeds may be much simplified, to the satisfaction of the settler, and the dispatch of business.

I have handed in a statement of sales of land by the Commissioner of Crown lands, from June 1825 to June 1830, by which it appears that 50,520 acres were sold to 279 persons, for the gross sum of 6,285 *l.* 11 *s.* 9 *d.*, upon which the charges were 1,474 *l.* 8 *s.* 2 *d.*, leaving 4,811 *l.* 3 *s.* 7 *d.* net, upon which he had received 2,878 *l.* 5 *s.* 2 *d.*, and there remained due 1,932 *l.* 18 *s.* 5 *d.* The average sales of 1828 were at 3 *s.* 6 *d.* per acre, those of 1829 at 2 *s.* 6 *d.*, and of 1830 at 1 *s.* 11 *d.* The purchasers take upon an average 181 acres each; and 181 acres at 1 *s.* 11 *d.*, clear of fees, nets 6 *d.* per acre.

I was informed, that Colonel Cockburn had laid out his 300,000 acres upon the eastern part of the province, where the land is good, and of easy access from Europe; this circumstance may be worth attention, in case any scheme of emigration should be thought of seriously.

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The Commissioner of Crown lands also receives the timber dues. His practice is to issue a license to cut timber, for which the applicant pays, and if not used, the money is forfeited. These timber dues produce more than in any other province, as will appear from their returns.

The soil is remarkably favourable to the growth of pine, as are its numerous streams for bringing it to market. The ports are not so numerous as to render it difficult of collection, and its capabilities of shipping to Europe or the West Indies are uncommonly fine. The number of vessels and men cleared from the ports of St. John and St. Andrew's in 1829 was about *double* those from Quebec.

So great a proportion of their labour is devoted to lumber, that farming is neglected, and the colony has been considered for some time as incapable of raising its bread. The climate is certainly severe, and liable to late and early frosts; it is, however, represented to be neither so cold nor so hot as Lower Canada.

It is particularly gratifying to be able to report so favourably upon the zealous and praiseworthy exertions of Sir Howard Douglas for the encouragement of agriculture; he was the restorer and steady patron of the Agricultural and Emigrant Society, the Reports of which, from 1825 to 1829, are lodged at the Colonial Office, and will be found to contain much valuable matter.

A steady and systematic support of agricultural industry is what the province is greatly in want of; but I do not believe the capital engaged in the lumber trade *could possibly* be transferred to agriculture, and that the wisest policy is to encourage both.

Where the clearings were large, I saw large fields of good wheat, which ripened perfectly; but those upon the highest situations were most forward and of earliest maturity. It was only in small openings, and on new settlements, that grain seemed doubtful of ripening; the average per acre may be from 15 to 25 bushels. Rye, oats and flax do also very well, and for potatoes and grass there is no superior country: 400 sleigh loads of wheat were taken across the Grand Portage in one winter from the Madawaska settlement to Quebec.

The valley of the St. John will ultimately be a most valuable district, and carry a dense population. North of the Connecticut (except the St. Lawrence) I know of none to be compared to it. To the present time they have been great importers of bread-stuffs, which they purchase with the proceeds of their lumber. Whenever time or chance should induce or compel them to raise their own grain, the province will start ahead, and date as from a new era.

NOVA SCOTIA.

HAVING crossed the Bay at Annapolis, I proceeded along the main road to Halifax. I found this the best road, for the distance, I had ever seen upon the continent of America; almost without a rut or jolt the whole way; and the steepness of the hills either cut away or avoided with great judgment. I was afterwards told at Halifax that the province had expended a very large sum upon their roads within the last 10 or 12 years, and made all their principal roads as good, so that stages travel day and night with safety and rapidity. It will be heard with surprise that this sum in the aggregate exceeds two-thirds the cost of the Rideau Canal; but it serves to show the public spirit of the colonists, which, whenever properly appealed to, is not likely to be deficient.

The appearance of the country as to soil is various; in a very great proportion along the valley by the Annapolis River, and again through Cornwallis, Horton and Windsor, as fine as possible, with the strongest evidence of abundance, comfort and the prosperity of its inhabitants; extensive pastures, and fine herds of large cattle. Soon after leaving Windsor we ascended a hill, from whence the soil became totally different, very rocky, ledgy and only fit for cultivation in patches.

At Halifax I presented my letter to Sir Peregrine Maitland, whose kind attentions and desires to promote my objects were unceasing during my short stay.

From the Surveyor-general I learnt that the whole quantity of land in the province is 8,750,000 acres, of which 4,750,098 acres had been granted, and quit-rents reserved, at 2 s. per 100 acres. This should give a rent of 4,750 l., but it has not been paid better than in New Brunswick, and all arrears were given up to 1827,

upon conditions that payments should be made regularly from that time, but since 1827 another arrearage of 14,037 *l.* has accrued.

New regulations for sale of the Crown lands have been made for this as for the other provinces, but the Commissioner of Crown lands has only sold 12,630 acres, at 2 *s.* per acre.

The quantity of land granted for religious purposes is 27,546 acres to the Church of England, and dean and chapter, 13,750 acres are reserved for the same purposes, and 6,400 more for schools, &c. Of the residue, by approximate estimate 4,000,000 acres, not above 1,000,000 may be considered as open and available for settlement, and all in detached bodies, scattered over the face of the country in tracts of from 5,000 to 8,000 acres, but the largest tract is in the county of Sydney, of about 40,000 acres.

The pernicious influence of the quit-rent system is also perceptible here, in the depressed value of lands, and whatever affects that portion of the common property, must to a degree injure the whole.

The province of Nova Scotia is most important and invaluable to the British empire, for not only is Halifax the *key* to all our transatlantic possessions, but the peninsula is occupied by an active, hardy and very intelligent population; their public institutions very respectably maintained, and reflecting credit upon all concerned in their management. In many parts the soil is excellent; it abounds in valuable mines of iron and coal; copper is said to have been discovered. The coal mines now in operation could deliver above 300 chaldrons per day; the fisheries are inexhaustible. Its coasts are every where indented with the finest harbours; no part of the world can show a parallel; and although it has no export of timber of any consequence, the return of seamen cleared at the custom-house of *Halifax alone* for 1829, exceeds that of Quebec for the same year.

The island of Cape Breton, I was told, is settling fast; the soil generally of a good quality, and so handy to fishing, which is carried on in boats and canoes, that subsistence is always to be had. It now contains above 23,000 souls, and could take up some thousands annually.

The fishing interests in this vicinity are of the first importance, and should be well understood, but perhaps His Majesty's Government may have sufficient information upon them already.

I was particularly desired to represent the complaint of the Americans continually interfering with our people; that their boats sometimes fish in the Gut of Canseau, and that their vessels are perpetually upon those shores.

There also has been some dissatisfaction about French fishermen, &c.

GENERAL REMARKS ON THE PROVINCES.

THE first remark which presents itself is upon their inconvenient shape; a long narrow belt of settlement, upon the northern boundary of a powerful neighbour, capable of being pierced through or overrun at will. But as that neighbour has immense forests of his own to subdue and settle; as his migrating population prefer a milder climate, and the annexation of the British provinces to him would make but a small addition to his exports, and produce nothing which he does not produce; it is fair to presume he would not be misled by ambitious feelings of doubtful advantage. The first and leading object to us should be, at all events, to give them compactness and solidity; to condense the population and give it breadth, at the same time to connect the different provinces together, by any and every means of commercial intercourse and internal communication.

Their increase of population has been, and continues to be, so astonishingly rapid, that it is well to note it particularly. By minutes of evidence before a Committee of the House of Assembly, Quebec, 1824, it appears that the whole population of Lower Canada, in 1784, was

-	-	-	-	-	65,338
Nova Scotia, by Haliburton, then was	-	-	-	-	32,000
New Brunswick and Newfoundland, say	-	-	-	-	12,000

TOTAL	-	-	-	-	109,338
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Upper Canada then was nothing, making a Total of, say	-	-	-	-	110,000
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CANADA WASTE LANDS.

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The present population may be taken at

For Upper Canada	-	-	-	-	-	-	-	-	-	200,000
For Lower Canada	-	-	-	-	-	-	-	-	-	544,000
For New Brunswick	-	-	-	-	-	-	-	-	-	80,000
For Nova Scotia	-	-	-	-	-	-	-	-	-	130,000
For Cape Breton, Newfoundland and Prince Edward's Island, say	-	-	-	-	-	-	-	-	-	100,000
TOTAL - - -										1,054,000

Here then is almost a tenfold increase in 46 years, which shows a duplicating ratio every 14, and is rather better than an increase at 5 per cent. compound interest. This however is, in a great degree, an emigrating increase, and not a natural one. The United States are found to double every 24 years, which is equal to 3 per cent. at compound interest; and if a partial view of one of their new western states only were to be taken, it would probably give a result equally extraordinary as that we are now examining.

But the increase of their commerce, navigation, consumption of British manufactures and provincial revenues are all equally striking, and worthy of close investigation, as it only is of late years that their powers have been developed in so extraordinary a degree.

About 30 years ago the whole export of Lower Canada consisted in peltry, and was taken off in three ships annually; that of Nova Scotia was confined to vessels carrying fish and grindstones; and of New Brunswick, to gypsum and lumber. In fact, but a very few years ago, they were so insignificant as scarcely to attract attention.

But in the last year, 1829, at the four ports of Quebec, St. John's, St. Andrew's and Halifax, there were cleared outwards 5,140 vessels, with 644,959 tons and 31,048 seamen. This is by the Custom-house Returns, and if we add the actual clearances of the other Nova Scotia ports, for the year 1828, (supposing that those of 1829 might be as much) it will exhibit an aggregate of 797,502 tons, and that without including Miramichi, Liverpool, Bathurst, Newfoundland, &c.

There were built in Lower Canada, in 1829, 5,465 tons of vessels; in Nova Scotia, in 1828, 99 vessels, containing 7,138 tons; and in New Brunswick a larger amount than either of the two; and as this statement does not comprise the ports of Newfoundland, it may not be too much to suppose that an entire aggregate of 850,000 tons, with 44,000 seamen, were cleared from all the ports of the British North American provinces in the year 1829.

I am aware that most of these vessels must have performed two voyages, and therefore that it may not be safe to estimate above half to the tonnage and seamen cleared, which would give a total employed by the colonial trade of 425,000 tons, and 22,000 seamen, and about *nine-tenths in British vessels*.

Compare this to the American tonnage, by Waterston's Tables, and it will be seen that the whole amount of tonnage belonging to the state of Massachusetts, (their greatest shipowner) for foreign trade, coasting and fisheries, in 1826, was only 385,785 tons; and that of the State of New York, for the same year, 330,709; and that I have not taken into view the fishing business and boats of Newfoundland and Cape Breton, where every male between 18 and 50 is a fisherman.

The cause of this rapid expansion is to be attributed entirely to the *Canada timber trade*, and the *monopoly of the West India trade*.

To those who measure the first by the quality of timber compared with the Baltic, or the policy of the second by the pressure of an extra price upon the planter's supplies, it is fair to explain the astonishing progress of British navigation which has sprung into existence under the late protecting policy: this invaluable and indispensable nursery for seamen, which is the basis of all our naval power, the very life-blood of the empire, and the more important character of the provinces themselves, in conjunction with that power, as a bulwark to our other transatlantic possessions.

Nor as consumers of British manufactures are they to be unnoticed, for lumberers and fishermen are of all labourers the most extravagant; and I believe it will be found that they import manufactures in full proportion to the augmentation of their commerce. Their consumption of West India produce is particularly deserving notice, as being *exclusively British*; so that in their intercourse with the mother country and the islands, all exchange of production is that of British industry;

industry; all employment created, all profits accruing, are national, and contributing to the prosperity of the empire. They have no feelings of competition or exclusiveness; their interests are identified with our's.

Many products can be supplied by them cheaper than elsewhere, but the length of the voyage requires a protecting duty; and it is presumed that a reduction of one farthing duty per pound upon the West India sugar consumed in England would be a compensation for all extra charge borne by the West India planter.

The peculiar advantages in supplying new countries with manufactures is too sensibly felt at present to be dwelt upon; but it is presumed that the circumstances of the late war developed it completely, and that the commerce of Great Britain was never more flourishing than while she had that monopoly trade with her colonies and the new countries. If her other colonies could increase in the same ratio as those of North America, and the establishment of more could give like results, the beneficial consequences are too apparent to be pointed out.

But to return to the subject of my remarks, it appears to me no more than a self-evident truism, that in the progress of advancement the late impetus may be long continued before they reach their zenith; and that the trade itself is of the safest possible nature, not interfering with any other British trade, but opening many new avenues to it.

Their present condition on a small scale exhibits a miniature picture of the advantages of the colonial system, for which we have been so long in contention with our rival neighbour; and in my humble opinion nothing is now wanting to add full effect and vigour to their internal prosperity also but a judicious and well-matured system for settling the country and arranging the land-granting departments. Many of their defects have been adverted to in travelling through each of the provinces, and remedies suggested to which others may perhaps be added.

If the colonies *have been a charge* to the mother country, it has not been on account of *the promotion of settlements*.

I have stated the probable quantity of open land available for settlement in all the provinces at about twenty-three millions of acres. Say in Upper Canada, five and a half millions; Lower Canada, five and a half millions; New Brunswick, eleven millions; and Nova Scotia, one million; and this without estimating the unexplored districts.

Such various opinions exist upon this head, that whether it can be approached within ten or twelve millions is still a doubt. A gentleman of the first respectability, who has for many years been zealous upon this subject, and given close attention to it, is of opinion that in the Saguenay country alone there are above six millions of acres of cultivable land. That noble river, with depth of water for *the largest ship*, for above 80 miles from the St. Lawrence, into which it flows from the northern side at Tadousac, having passed from Lake St. John in an easterly course, and along a valley well protected by a range of mountains to the north, is supposed to possess a climate not more severe than Quebec; for the port of Tadousac is open two or three weeks earlier and later than Quebec. The communication is now practicable by canoes, from the Lake St. John to the St. Maurice, which flows into the St. Lawrence at Trois Rivières. This country has been explored, though not surveyed, and the opinion formed of it is very favourable for settlement; but at present it is under lease, which will not expire for several years. Other districts are spoken of with equal confidence, but my returns have been derived from Government officers. If anything should be done in the way of colonization, I am confident that much information upon large tracts now unknown would gather upon us in every direction. The Saguenay country is particularly to be noticed, as it is approachable by steam-boats, and at present untouched and unfettered by grants and other claimants. It might also be a question whether a modification of the Canadian practice of settling by seigneuries might not be used there to advantage, as the inhabitants now crowd round the place of their birth in preference to settling upon the townships.

Similar remarks apply to that part of Upper Canada which borders upon Lake Huron, upon which I have procured valuable information, and deposited it in the office; and it may be worthy of remark that the course of the rivers indicate a natural communication from the Saguenay to the Huron by the Gatineau and Ottawa, which at some future day will doubtless be availed of.

If a project of colonization could be formed to carry along with it the approbation of the colonists, and the support of the provincial legislatures, a result more satisfactory than has yet been known, would undoubtedly be produced. Small expenditures
from

from Government would give great practical aid to new settlers. The name of a Government operation is in itself a host; and all the provincial parliaments are liberally disposed upon subjects of general interest, and their taxes and imposts are really so light, that they can afford powerful aid. From the several statements of sums collected at different times, from sales of land, and rents from timber, it will be seen that the lands have within themselves the means of defraying much of the necessary expenses of bringing them forward.

In this case, I should recommend all their proceeds to be appropriated to such purposes and internal improvements; and above all things, that in the first settlements, appointments of elementary schools should be made, and as soon as possible afterwards, that of a resident clergyman. As religious and parochial duties are performed by curates in England for small compensations, I would respectfully suggest, whether more moral benefit would not accrue to the colony by increasing the number of the clergy, at smaller stipends to those who join new settlements.

The late Orders from home, or New System, as it is called in the colonies, contemplates a sale of land by retail, for the collection of a revenue, without sufficient discrimination (as it appears to me) of the state and situation of the lots offered for sale, &c.; for in Upper Canada the lands will be more valuable than in the lower province; and Crown reserves, brought into notice by the settlement of adjoining lands, are every where much more so than lands "in natura."

The correct principles to act upon in colonization, are to give encouragement to the settler in proportion to the difficulties and privations he must encounter, and to relax gradually from it, according to the advance of population, and the improvement of the colony. To induce people of capital to unite in works of general utility, and to avoid a recurrence of absentee proprietorships; and for the Crown to have reserves, or the practice of raising prices, or in some way or other to be remunerated for the expenses unavoidably incurred: but in the first stage of settlement, to take no more pay from the settler than the cost of survey; and in the newest districts to receive payments by labour upon roads, (on the principle of settling duties) or *in kind*, by supplies of grain and provisions advanced to succeeding settlers; thus may the amount of one instalment, or its value in kind, be transferred from settler to settler, without any original advance; and as far as this goes, the lands will pay their own expense of settlement. But the principle should always be applied to the gradual and ultimate appreciation of the value of land, as a part of the natural growth of a colony, by which the soil is cleared of its trees, converted into a farm, produces and re-produces capital; from whence the wheel of human intercourse turns naturally round, and the colony takes leave of its parent, to send off new swarms in new directions.

ON EMIGRATION.

IN taking up the subject of emigration, I am aware of entering upon difficult ground, as it has been already investigated with so much more talent than I can pretend to.

Much was said to me in the colonies upon the two questions of spontaneous and regulated emigration; and the great evil of which they complain was the entire absence of wholesome regulation. I feel, therefore, fully convinced, whatever course may be ultimately adopted, even if the present loose mode is to go on, that the necessity of reducing it to a system will *be forced upon us*; that is, whether we consider the poor man's comfort on leaving his native soil, his establishment in the wilderness of a new country, the manner in which he is to be received by the province, or his means of adding to its prosperity, they are all questions of high import, and have a claim to consideration, and provisional arrangement.

Many regard the transmission of a part of our redundant population in the exclusive light of parish or national relief; of which, indeed, there was an example while I was in Quebec, in the arrival of the ship 'Two Brothers' with 153 emigrants dispatched by the magistrates, after their passage-money had been collected by public subscription, and so acknowledged in their letter to the superintendant of the Emigrant-office. So much liberality and kindness had been uniformly manifested

by the inhabitants of the city to desultory arrivals, that it is not surprising (as these came under the appearance of authority) that a great dissatisfaction should have been created; and it is to be feared that it may end in the passing of some provincial law to check the future indiscriminate shipment of paupers.

It is well to state here that they have an emigrant hospital at Quebec, supported by provincial grants, into which 91 patients were received during the month when I was there. But some charity for the widows and orphans of emigrants ought to be extended from hence.

In case any regulated plan should be seriously got up, that part of it relating to embarkation and passage will be easily arranged; some person should be appointed at every port of embarkation to give the necessary facilities to their departure, and guard as much as possible against their suffering, for these poor people now undergo much misery unknown to others, and which might be prevented.

The cost of passage is pretty well regulated by the force of competition; adults are taken from Liverpool at 3 *l.* per head, from Dublin and Cork at 2 *l.* 10 *s.*, and from a western port in Ireland at 2 *l.*; their provisions will cost about 35 *s.* or 40 *s.* from Liverpool, and 25 *s.* or 30 *s.* from Ireland and Scotland; so that the total of passage and provisions for an adult may range from 4 *l.* 15 *s.* to 3 *l.* 5 *s.*; children under 14 years at half, and under seven years at one-third price.

These prices may not be precisely exact, but they are very nearly so; they are however regulated upon the idea of a full complement of passengers, who are always to be ready at the ship's time; and the ship finds berthing, water, fuel, and cooking utensils.

There is so much spare tonnage outwards to the provinces, by the manner in which the timber trade is carried on, that its *peculiar facilities* ought not to be overlooked. During the year 1829 the ships cleared from the ports of Quebec and St. John's to Great Britain and Ireland consisted of above 340,000 tons; and as three passengers are allowed to five tons, and in some roomy vessels three to four tons, the mutual and reciprocal advantages of the passenger and timber trades are plainly seen, and the benefit accruing is altogether *national*.

Thus far we have advanced without difficulty, the whole case being one of simple calculation.

But when we come to place the emigrant in the wilderness of a new country, unless he is to move under some regulated system, got up under foresight, reflection and previous arrangement, it will be like giving him a stone when he asks for bread. At present many go on without knowing the boundaries of their lots, or whether they have any, or indeed whether they will ever obtain a title. In all such instances are sown the seeds of disorder and disaffection to Government.

It may be well first to consider the expense actually incurred in locating individuals upon the late experimental settlements. The emigration of 1823, after deducting cost of passage, gave 15 *l.* 8 *s.* 9 *d.* per head. That of 1825 gave 13 *l.* 11 *s.* 8 *d.*; and a more recent experiment in the town of Ops, in Upper Canada, gave 3 *l.* 2 *s.* 6 *d.*; but it would be unsafe to assume either of these as data for further proceedings; for in the two first cases many abandoned their lots and increased the average cost, although their places have been supplied since; and the situation of Ops was too near to other settlements to call it a beginning in the wilderness; on this account the sum of 400 *l.* was limited to it; but I understood from a gentleman who had access to the disbursement accounts, that 1,000 *l.* would probably be sufficient to set a new settlement fairly off with, but without the expense of mills.

I believe the township of Cavan, in Upper Canada, was settled also without advance.

In Lower Canada the unoccupied Crown reserves in the townships of Inverness and Leeds have been sold to settlers who are doing very well, and free of cost to Government; so much so, that the county in which they are, contained, the 1st of May 1829, only 523 souls, and in September 1830, it exceeded 2,000, which was almost entirely owing to the increase of those townships. More settlers might also have been added last autumn, but they were deterred by an insufficiency of provisions on the spot, and the expense of drawing them from a distance. But again, this settlement of reserves, as the name implies, was a secondary one.

Among the Reports of Committees of the House of Assembly in Lower Canada, 1829, I find an interesting communication upon the settlement of new lands, with an estimate of the cost of locating 150 poor families, stated at 900 *l.*, or 6 *l.* each, with the idea not only that it is to be repaid in six years, but of the probability of as
much

much more being gained by the advance, exclusive of the value of the lands settled ; and this effect is proposed to be produced by supplying the settler with labour upon the spot, in the shape of a public farm, from which he is to receive payments in provisions, and no other public work to be effected.

Many respectable people are of opinion of the safety of advances to settlers, and even regard it as a profitable operation. But I can only say that my *experience* obliges me to take *the other side* decidedly; and without even considering the *risk*, it is to be remarked that the advances alone would gather rapidly to a very heavy amount, in case an extensive system of emigration should be acted upon, which might gradually and insensibly swell so much as to create dissatisfaction and disgust, and finally either break up the whole system, or cause its falling by its own weight.

But if it be ultimately determined upon aiding the settler in the first occupancy of the wilderness, or to bring the waste lands of the Crown into action, my advice would be, first, to determine, with consideration, where the settlements are to be, and then to survey the lands into townships and lots of 100 acres each, and this will take up six months previous arrangement at least.

Afterwards I should be decidedly of opinion to prefer giving assistance by finding labour for him to earn the supplies he wants, to any advance of money or funds to be used at his own discretion. Emigrants arriving with a few pounds in their pockets, are said to hang about the town and spend all before they move, and especially such as have been assisted by the parish; and the change of circumstances, from parochial relief to competent rations, regularly distributed, and the independent feelings attached to the ownership of lands, all conspire to work a change in the moral feelings of the man, and the provincial rate of daily wages lifts him above absolute dependence. Upon his gratitude I should place no reliance, nor much security upon the increased value of his lot, which, if unoccupied for a few years, returns to its former valueless condition. The fact is, he requires to be kept in a constant state of excitement and exertion against his first difficulties; some stimulant is necessary, and money is a sedative.

If labour is found for him to resort to, whenever his own farm does not require it, during his first year's occupation, it would remain for us to discover some profitable investment for it. I should therefore adopt the public farm, as recommended in the Report, which would soon produce a proportion of all the provisions required for the young settlers, and thus far have in itself the means of paying them for their labour: but I would also find labour upon the public roads, leading to the settlement, and through it to others.

The greatest desiderata in new settlements are mills and roads; mills should be supplied by private enterprize, but roads come under the regulation of the law, hence the inability of young settlements to accomplish them till they rise into opulence, and the consequent retardation of their advance.

The House of Assembly, in Lower Canada, has voted 58,000*l.* for internal communications, and about 16,000*l.* for roads, in 1829, a great proportion of which is for the new settlements with scanty populations, and laying at distances; the opening of roads would therefore be a work of public utility, and stamp a permanent value upon every lot in the settlement.

In suggesting the above ideas, I have endeavoured, as much as possible, to incorporate the leading objects of all the different parties who have thought seriously upon the subject, advancing assistance to the emigrant, according to the Emigration Report, offering labour on a public farm, according to the Canadian Report, with my own addition of the labour on roads. I would beg, however, to be particularly understood that the public farm is only recommended where settlements are in a manner to be *forced*, and that the land so improved, might afterwards be resold at advance.

This also appears to me the most economical mode of procedure; it would not require more expenses than seem now almost indispensable; the surveying is absolutely so; that of agents is equally wanted to forward the emigrant to his destination, and place him upon his lot; the extra charge would be only that of finding provisions, which, if supplied in payment of labour, can be more easily regulated, modified, or dispensed with, than a cash advance, which always carries with it something in the way of bounty. This mode would enable the agent to proportion his assistance to the meritorious settler, and the indolent would not resort to the settlement; the price of land would rise with the success of the operation. Moral discipline and order would grow out of it spontaneously, the best foundation of all institutions; and it might not be too much to ascribe all future success to this original preparation of the soil.

In all systems of settling new lands the strictest economy is to be observed, and the rule to be applied is for the lands to supply their own means of improvement of far as they possibly can. This may be accomplished in the fertile lands and moderate climate of the upper province; but in Lower Canada, and also in New Brunswick some assistance is absolutely requisite, and it is only the poorest classes who will lead the way into the woods. It does not appear necessary at present to go further into details, which, if wanted, may afterwards be explained. It would however be well to appoint different agents to reside in the country, either from provincial-born subjects or those who have been some years in the colony. If people of some capital or better education could be induced to embark in the undertakings, it would be very desirable; nor would it be of trifling import if some encouragement could be extended to the Canadian seigneur, or some modification of the old French mode of settlement be adopted, not at variance with our laws and customs; for it is to be observed by their mode of settlement that they establish a denser population, a people more attached to their soil, more exclusively so to their own habits, and those habits the natural supporters of the monarchical system; and that it is the only part of the continent of North America where this is the natural tendency of social institutions. But when we view a country to be redeemed from the wilderness to a state of agriculture by the gradual advance of lot by lot, without an original investment of capital or improved education, or in fact controlling minds or superior classes to direct, lead or concentrate public feeling, it is to be feared that such a mode of procedure would be in hostility to the best interests of *our* institutions.

But with the Americans such a retail occupation of the wilderness is by no means objectionable, as it harmonizes with their habits of progressive advance;—First, settlement of any kind attracts attention to the district, then speculation creeps in, and various interests get engaged in it; enterprising young men of the professional classes soon follow; villages grow up; and if anything like commercial enterprise can take root, the bank completes the machinery of social life.

An impulse so sudden is not to be expected in the Provinces; the better classes who go on, mostly come from different parts of the mother country, and require some time to understand themselves. They take up lots for individual occupation, have no idea of speculating beyond their own farms, so that there are no means of concentrating energy for public purposes; and the district, however numerous its inhabitants, seems to be without any common principle of action. In the absence of such exciting causes Government, seems more called upon to set the machine in motion; but the call is still louder, from the number of emigrants now annually going to North America. In the year 1830 there can scarcely be less than 50,000 gone to the Provinces and the United States; and from appearances at home and the general satisfaction of those who have departed, it is morally certain to be capable of great increase. In the two years of 1827 and 1828 about 29,000 emigrants arrived in Canada, and scarcely any settled there. In 1830 about 25,000 arrived, and nearly 10,000 are supposed to have settled. The course now found to be in progress is, that those who settle write to encourage others to come out, and frequently remit funds to aid them. Such has doubtless for many years been the practice of those settling in the United States; and if the current could be turned into the Provinces, it would be attended with results of great national advantage.

I hope to be excused for the length of this Report, and especially for dwelling upon subjects apparently of small importance, or upon such as Government may already be possessed of.

The instructions upon which I embarked upon my mission from the late Right Honourable Secretary were in a great measure verbal, who enjoined upon me to communicate freely and fully with the Governors of the different provinces, and to obtain from them, and all other sources, whatever information I could, for the use of His Majesty's Ministers, as to the agriculture, soil, commerce, resources and capabilities of the Provinces, especially with a view to their means of receiving emigrants, and the best mode of locating them.

And if my attempts at the performance of this duty should meet the approbation of the Right Honourable Viscount Goderich, I shall esteem myself particularly fortunate, and subscribe myself with great respect,

His Lordship's very obedient and very humble servant,

John Richards,
Commissioner.

CANADA WASTE LANDS.

RETURN to an Address to His Majesty, dated
13 September 1831 ;—for,

COPY of the REPORT of Mr. *Richards* to the
COLONIAL SECRETARY, respecting the WASTE
LANDS in the *Canadas*, and EMIGRATION.

Ordered, by The House of Commons, to be Printed,
30 March 1832.

U P P E R C A N A D A.

RETURN to several Addresses to HIS MAJESTY, dated 31 July 1832;—for,

- 1.—COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of *Upper Canada*, on the Administration of Justice, dated 14th March 1829; which Address that House humbly prayed His Majesty to lay before the House of Commons of *Great Britain and Ireland*.
- 2.—COPY of the ADDRESS to HIS MAJESTY, concerning an Established Church, from the House of Assembly of *Upper Canada*, agreed to in the Ninth Provincial Parliament; dated March 20th, 1828.
- 3.—COPY of the RESOLUTIONS agreed to in the Tenth Provincial Parliament of said Province by the House of Assembly, on the 13th January 1830, concerning a dominant Church connected with the Government, and concerning the appointment of a Chaplain.
- 4.—COPY of the ADDRESS to HIS MAJESTY, from the present House of Assembly of *Upper Canada*, agreed to in their last Session 1831–2, praying that the Clergy Reserves may be applied to the purposes of Education, and stating that a large majority of the Inhabitants of the Province are averse to the establishment of any exclusive or dominant Church.

Colonial Department, Downing Street, }
15th August 1832.

R. W. HAY.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
16 August 1832.

L I S T.

- 1.—COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of
Upper Canada; dated 14 March 1829 - - - - - p. 3
 - 2.—COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of
Upper Canada; dated 20 March 1828 - - - - - p. 5
 - 3.—COPY of RESOLUTIONS agreed to in the Tenth Provincial Parliament
of Upper Canada, by the House of Assembly, on the 13th January 1830 - p. 7
 - 4.—COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of
Upper Canada; dated 14 December 1831 - - - - - p. 8
-

UPPER CANADA.

No. 1.

COPY of an ADDRESS to HIS MAJESTY, from the House of Assembly of
Upper Canada; dated 14th March 1829.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Royal attention to the dependent and very unsatisfactory state of the Judiciary in this Country; and We further pray that our earnest wishes and solicitude expressed in this Address to Your Majesty, may in our behalf be laid before Your Majesty's faithful Commons in Imperial Parliament assembled.

In former Sessions of the Provincial Legislature, we pressed this painful and now alarming subject upon Your Royal consideration, representing the expediency of exempting the Chief Justice in this Province from the duties imposed upon him in the Executive Council, and of rendering the Judges independent of the Crown and of the people.

During the present Session, we have received from His Excellency the Lieutenant Governor, a Message, from which it appears, that on the subject of the Judges being commissioned to hold office during good behaviour, Your Majesty's Government find there are many difficulties to which, it is apprehended, this House may not have adverted, and that it is with a view solely to the welfare of the Province, and to the impartial administration of Justice, that Your Majesty's Government hesitate to remove from the Judges in this Province their direct responsibility to the Crown.

Upon so important a subject, involving the interests, the rights, the liberties, and the very lives of the people of this Province, it becomes us with earnestness to repeat our humble remonstrances against the present state of things.

We regard with grateful recollection the memorable declaration of His late Most Gracious Majesty from the Throne, "that he looked upon the independence and "uprightness of the Judges as essential to the impartial administration of Justice, "as one of the best securities of the rights and liberties of his Subjects, and as "most conducive to the honour of the Crown." In this respect we rejoice at the unparalleled happiness of the people of England; we cannot however but feel that as a portion of Your Majesty's free and glorious Empire, we also are equally interested and entitled to have justice administered amongst us by independent Judges, equally able to appreciate the value of so great a blessing, and disposed with constitutional jealousy to watch over the judicial character, to preserve it unsullied by unjust reproach and unawed by the vindictive exercise of the Royal Prerogative by the Provincial Authorities.

In this Province, it is exceedingly desirable and even necessary that the Court of King's Bench should for many years to come be wholly composed of Judges selected from the English Bar; Judges who would in that case be as free as possible from the entanglements of family connexions, the influence of local jealousies, and the contamination of provincial politics: without such a change, Justice never can in this Country be administered with purity, or rise above suspicion.

We duly value the assurance of Your Majesty, conveyed in the Message of His Excellency, "that the direct responsibility of our Judges to the Crown is enforced "by Your Majesty only on the most serious occasions, and never in respect to "any act which can be properly considered judicial." But although Your Majesty is thus graciously pleased to declare that Your Majesty in the exercise of Your Royal Prerogative will be governed by a maxim so consonant to British Justice, yet

yet that assurance, while it is grounded upon the continual dependency of our Judges, can afford no sufficient and practical remedy against the abuse of Your Majesty's Royal Prerogative by the Provincial Administration. This abuse of Your Majesty's Royal Prerogative has been flagrantly manifested by the late violent, precipitate and unjustifiable removal of the Honourable Mr. Justice Willis from the Court of King's Bench in this Province.

The pretence for this almost irreparable wound to the Constitution appears to have been the declaration of an opinion by that learned and upright Judge, upon the constitution of the Provincial Court of King's Bench, which opinion was evidently expressed to explain and justify his submission to a conscientious conviction of the impropriety of knowingly proceeding in the administration of the law in a Court not organized as the law requires.

By the Provincial Act erecting that Court, it is wisely provided "that a Chief Justice, together with two Puisne Judges, shall preside therein." No explanation can add to the clearness of that provision, so obviously conducive to the safety and liberty of the subject; and it has become our urgent duty humbly to declare to Your Majesty, that our duty forbids us to yield to the attempts of the local Administration to entail upon us the dangerous encroachments made in years of past misrule, by establishing such a construction of that law as would place the rights and liberties, the property and lives of the people of this Province, at the disposal of one, while a liberal salary is provided for three Judges.

The opinion of the learned Judge became officially known to the local Government some weeks before the commencement of the Term in which it was expressed.

Finding that no step was taken to organize the Court according to law, and avert the consequences inevitably following pertinacity in the error, Mr. Justice Willis honourably withdrew from a scene, by a continuance in which he must have compromised his judicial character. Under these circumstances, it appears that the Executive availed itself of the dependency of the Judiciary, and Mr. Justice Willis was unnecessarily and violently removed from his office, because, educated in no school of subservient principles, he would not yield to doubtful expediency and unlawful usage.

We are not insensible of the advantages of the provision against granting Offices in Your Majesty's Colonies in America to persons resident or intending to reside in Great Britain; a provision manifestly intended to apply particularly (perhaps exclusively) to offices which could be exercised by Deputy, and therefore farmed out to the best bidder; but it is with concern and dismay that the people of this Province have witnessed the perversion of law and power, for the dangerous purpose of removing a Judge, whose only offence we believe to be a scrupulous and conscientious discharge of his judicial duty.

The same power which authorized the removal of Mr. Justice Willis, supposing it to be lawful, and the appointment of Mr. Justice Hagerman in his place, might with greater facility have created a Chief Justice to organize the Court according to law. But we feel that the magnitude of the outrage itself against the justice of the Country is so great, as to forbid our descending to those particulars of which we can be only partially informed, from the policy of the local Administration in withholding from us that information which might more fully expose the enormity of the transaction. We humbly desire however to declare to Your Majesty, that had the Law not placed it in the power of the local Government to avert the evils, the apprehension of which they affect to have influenced their conduct, we would esteem those evils very subordinate to this intimidation of our Judges, by the cruel aspersion of the character and unjust ruin of the prospects of one of their number, by the bold and daring exercise of arbitrary power.

Although the defective constitution of the Court, and the consequent illegality of its proceedings, have been known to the Provincial Government since Trinity Term last, yet the administration of Justice has not been relieved from this serious embarrassment, by the due organization of that Court, nor has His Excellency been advised to bring this all-important state of the Country under the notice, or to recommend it to the consideration of the Provincial Legislature. We therefore cannot too earnestly express to Your Majesty our deep sense of the injustice, inexpediency and illegality of persisting in the maintenance of the present defective state of the Court; and to represent to Your Majesty the sacred duty which we feel to be imposed upon us, firmly to protect the interest of those suitors who have been prejudiced, either because they abstained from a Court which was violating Law, or because they were driven by their necessities to yield to this assumption of judicial power.

In

THE PROVINCE OF UPPER CANADA.

5

In Michaelmas Term last, Mr. Justice Hagerman alone constituted our Court of Kings Bench, wherein he confirmed his own questioned judgment at the preceding Assizes, in a trial in which Mr. Justice Sherwood was interested; the result of which trial involved a property of very great value, acquired through those extraordinary judicial proceedings in the case of Mr. Randal, whose injustice has long been unavailingly an object of legislative relief and public sympathy. It is from such proceedings, such Courts, and such Judges, that the people desire to be relieved.

We had hoped that the appointment of Judges from England would redeem the character of the Provincial Judiciary; but that hope has been greatly impaired, by finding that such men have been esteemed by those in power too conscientious for Colonial rule. We feel that no gentleman of the English Bar, gifted with learning and character, will come to administer justice amongst us, if he is subject to an ignominious removal, and obliged to meet in England charges unknown to him, got up against him without regard to the laws of honour, or justice of the country.

We humbly express to Your Majesty our serious apprehension that the learned Judge who has thus far been a victim of Provincial persecution may be elevated to some higher place in Your Royal consideration, instead of being restored to his seat upon our Bench, as the most effectual method of wiping away the stain attempted to be affixed to his character, and of healing the wound inflicted upon the Justice and Constitution of the Country. His reinstatement in office as our Judge, is most desirable for the peace and happiness of the Province, and for the restoration of public confidence in the administration of the law.

In the name of equal justice, we further humbly pray Your Majesty to cause a strict inquiry to be made into the conduct of all persons directly and indirectly concerned in this overbearing and despotic proceeding; and, as the only means of assuring our future security, to expose them to whatever punishment may be due to their respective crimes, as advisers, abettors, and approvers of the same.

Should Your Majesty be advised to disregard these our just and earnest prayers against grievances which have increased under the patience with which we have hitherto endured them, we shall be constrained to feel, that while we form a part of the British Empire, we are excluded from sharing its equal and exalted justice.

We again humbly pray Your Majesty to lay the whole Matter and Prayer of this Address before the British House of Commons, and to communicate to them our earnest hope that they will be pleased most favourably to regard our wishes, and promote by their wisdom and council the redress of our wrongs.

Commons House of Assembly, }
14th March 1829. }

(Signed) *Marshall S. Bidwell,*
Speaker.

— No. 2. —

Copy of an ADDRESS to HIS MAJESTY, from the House of Assembly
of *Upper Canada*; dated 20 March 1828.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN.

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that we have seen, with equal surprise and regret, a Letter and Ecclesiastical Chart, dated 16th May 1827, and addressed by the Honourable and Venerable Doctor Strachan, Archdeacon of York, a Member of Your Majesty's Legislative and Executive Councils of this Province, to the Right honourable R. J. Wilmot Horton, at that time Under Secretary of State for the Colonies, for the information of Lord Goderich, then at the head of the Colonial Department, as they are inaccurate in some important respects, and are calculated to lead Your Majesty's Government into serious errors.

We beg leave to inform Your Majesty, that of Your Majesty's Subjects in this Province, only a small proportion are members of the Church of England; that there is not any peculiar tendency to that Church among the people, and that

nothing could cause more alarm and grief in their minds, than the apprehension that there was a design on the part of Your Majesty's Government to establish, as a part of the State, one or more Church or denomination of Christians in this Province with rights and endowments not granted to Your Majesty's Subjects in general of other denominations, who are equally conscientious and deserving, and equally loyal and attached to Your Majesty's Royal Person and Government. In following honestly the dictates of their conscience as regards the great and important subject of Religion, the latter have never been conscious that they have violated any law or any obligation of a good Subject, or done any thing to forfeit Your Majesty's favour and protection, or to exclude themselves from a participation in the rights and privileges enjoyed by Your Majesty's other Subjects.

We humbly beg leave to assure Your Majesty that the insinuations, in the Letter, against the Methodist Preachers in this Province, do much injustice to a body of pious and deserving men, who justly enjoy the confidence and are the spiritual instructors of a large portion of Your Majesty's Subjects in this Province. We are convinced that the tendency of their influence and instruction is not hostile to our institutions, but, on the contrary, is eminently favourable to religion and morality; that their labours are calculated to make their people better men and better Subjects, and have already produced in this Province the happiest effects.

While we fully and gratefully appreciate Your Majesty's gracious intentions in granting a Royal Charter for the establishment of an University in this Province, we would beg most respectfully to represent, that, as the great body of Your Majesty's Subjects in this Province are not members of the Church of England, they have seen with grief that the Charter contains provisions which are calculated to render the institution subservient to the particular interests of that Church, and to exclude from its offices and honours all who do not belong to it. In consequence of these provisions, its benefits will be confined to a favoured few; while others of Your Majesty's subjects, far more numerous, and equally loyal and deserving of Your Majesty's paternal care and favour, will be shut out from a participation in them. Having a tendency to build up one particular Church to the prejudice of others, it will naturally be an object of jealousy and disgust. Its influence as a seminary of learning, will upon these accounts be limited and partial. We therefore humbly beg that Your Majesty will be pleased to listen to the wishes of Your Majesty's People in this respect, and to cause the present Charter to be cancelled, and one granted free from the objections to which, emboldened by a conviction of Your Majesty's paternal and gracious feelings to Your loyal Subjects in this Province, as well as by a sense of duty to the People, and a knowledge of their anxiety upon the subject, we have presumed to advert.

We would also beg leave to state, that it is the general desire of Your Majesty's Subjects in this Province that the Monies arising from the sale of any of the Lands set apart in this Province for the support and maintenance of a Protestant Clergy, should be entirely appropriated to purposes of education and internal improvement; we would most humbly represent, that to apply them to the benefit of one or two Christian denominations, to the exclusion of others, would be unjust as well as impolitic, and that it might perhaps be found impracticable to divide them among all. We have no reason to fear that the cause of Religion would suffer materially from not giving a public support to its Ministers, and from leaving them to be supported by the liberality of their people.

Many Works for the internal improvement of the Province, of great importance to its prosperity and to the ease and comfort of Your Majesty's subjects, are necessarily neglected for the want of money in the Provincial Treasury; for, although the Taxes are only of a trifling amount, yet, from the scarcity of money, and the want of even a tolerable price for the productions of their farms, they are paid with great difficulty by many of Your Majesty's people; it is impossible, therefore, to raise by taxation the means necessary to undertake and carry on these Works. It is also most desirable that a larger Sum than is at present at our disposal, should be employed to extend through the country the advantages of Education.

We therefore humbly pray, That the Monies arising from the sale of the Lands set apart in this Province for the support and maintenance of a Protestant Clergy, may be placed at the disposal of the Legislature of this Province, for the purposes we have mentioned.

(signed) *John Willson*, Speaker.

Commons House of Assembly,
20th March 1828.

— No. 3. —

Copy of RESOLUTIONS agreed to in the Tenth Provincial Parliament of
Upper Canada, by the House of Assembly, on the 13th January 1830.

THE first Resolution was then put, and carried *nem. con.* as follows :

Resolved, That the Christians of various denominations in this Province have already been deeply wounded in their feelings by false and calumniating misrepresentations, made for the purpose of establishing an exclusive and proselyting system, which it has hitherto been attempted to strengthen and extend by rendering subservient to it the patronage of the Executive Government, and the unjust appropriation of the extensive School Reserves for the support of an University, against the sectarian character of which this House can never cease solemnly to protest, as they already have done.

Present, Messrs, Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, George Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Second Resolution was then put, and carried *nem. con.* as follows :

Resolved, That there justly is in the minds of the people of this Province a strong and settled aversion to a dominant Church connected with the Government, and upheld by that Government in a claim to a monopoly of the Clergy Reserves, and to the enjoyment of peculiar privileges, to the exclusion and prejudice of various denominations of Christians in this Province.

Present, Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, George Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Third Resolution was then read, as follows :

Resolved, That this House regard the assumption by the Executive Government to appoint a Chaplain for them of the Church of England, even without previous reference to them for the expression of their feelings and wishes on the subject, as part of a system conducive to the extension and perpetuation of this injurious and alarming policy.

In amendment, Mr. Dalton, seconded by Mr. Dickson, moves, that after the word "Resolved" the whole be expunged, and the following inserted, "That this House consider it an imperative duty to mark their strong disapprobation of the advice which has dictated to His Excellency the Lieutenant Governor to appoint them a Chaplain without previous reference to them for an expression of their feelings on the subject, and that the said appointment appears to be in furtherance of the exclusive policy so universally and justly decried."

Which was carried *nem. con.*

Present, Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Dickson, Ewing, Fothergill, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randal, George Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson, and Woodruff.

The Fourth Resolution was then read, as follows :

Resolved, That this House considers it inexpedient to receive the Reverend Doctor Phillips as their Chaplain.

In amendment, Mr. Perry, seconded by Mr. Peterson, moves, that after the word "Resolved" all be expunged, and that the following be inserted, "That this House deem it inexpedient to receive as their Chaplain any one appointed by the Executive Government."

On which, House divided, and the Yeas and Nays were taken as follows :

Yeas, Messrs. Baldwin, Blacklock, Brouse, Cawthra, Dalton, Fraser, Henderson, Hopkins, Hornor, Ketchum, Kilborn, Lefferty, Lockwood, Longley, Lyons, M'Call, Mackenzie, Malcolm, Perry, Peterson, Randall, George Rolph, Shaver, Smith, Terry, Wilkinson, James Wilson. and Woodruff - - - 28.

Nays, Messrs. Dickson, Ewing, and Fothergill - - - 3.

The Question was carried in the Affirmative by a Majority of 25.

The Fifth Resolution was then read, as follows :

Resolved, That the Ministers of the different Christian Congregations in this Town be requested to officiate during the present Parliament, as Chaplains to the House of Assembly, under such an arrangement as may be made by the Speaker.

In amendment, Mr. Perry, seconded by Mr. Lyons, moves, that after the word " Resolved " all be expunged, and that the following be inserted in lieu thereof, " That the Ministers of the different Christian Congregations in this Town be requested to say prayers in the House of Assembly during the present Parliament, under such an arrangement as may be made by the Speaker."

Which was carried.

13 January 1830.

— No. 4. —

Upper Canada, York, 11th February 1832.

MY LORD,

I HAVE the honour to transmit to Your Lordship an Address to The King, from the Commons of Upper Canada, in Provincial Parliament assembled, in which they pray that His Majesty will be graciously pleased to recommend that the Clergy Reserves may be sold, and the proceeds arising from the sale of them may be placed under the direction of the Legislature, to be applied to the advancement of the purposes of Education.

I have, &c.

The Right Hon^{ble}
Lord Viscount Goderich, &c. &c. &c.

(signed) J. Colborne.

Copy of an ADDRESS to HIS MAJESTY, from the House of Assembly of
Upper Canada; dated 14th December 1831.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN.

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave most humbly to submit to Your Majesty, that, by an Act of the Parliament of Great Britain, 31st Geo. III. one-seventh of the Lands of this Province was set apart for the support of a Protestant Clergy.

That under that Act, appropriations have from time to time been made, and which appropriations are in this Province known by the name of " the Clergy " Reserves ;" that these appropriations having been generally made in lots of two hundred Acres, throughout the several townships of this Province, the value of the same has been much enhanced by the settlement of the country, and principally from the improvement of the lands in the neighbourhood of such appropriations by the labour of the inhabitants composed of various denominations of Christians ; that these Reserves, being so interspersed with the lands of actual settlers, have
materially

materially retarded the improvement of the Country; that by an Act passed in the reign of His late Most Gracious Majesty, provision was made for a sale of a portion of the said Reserves; that it is unjust as well as impolitic to appropriate the said Lands to the support of any one Church exclusively, and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all denominations of Protestants; that a large majority of the Inhabitants of this Province are sincerely attached to Your Majesty's Person and Government, but are averse to the establishment of any exclusive or dominant Church; that this House feels confident that to promote the prosperity of this portion of Your Majesty's dominions, and to satisfy the earnest desire of the People of this Province, Your Majesty will be graciously pleased to give the most favourable consideration to the wishes of Your faithful Subjects; that to terminate the jealousy and dissension which have hitherto existed on the subject of the said Reserves, to remove a barrier to the settlement of the Country, and to provide a fund available for the promotion of Education, it is extremely desirable that the said Lands, so reserved, be sold, and the proceeds arising from the sale of the same placed at the disposal of the Provincial Legislature, to be applied exclusively for that purpose. We therefore humbly pray that Your Majesty will be graciously pleased to recommend to Your Majesty's Parliament of Great Britain and Ireland to pass an Act to authorize the sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the proceeds thereof in such manner as may be considered most expedient for the advancement of Education.

Commons House of Assembly, }
14th December 1831. }

(signed) *Arch^d M^cLean,*
Speaker.

UPPER CANADA.

COPIES

OF

ADDRESSES to HIS MAJESTY from the House
of Assembly of *Upper Canada*, dated 20 March
1828, 14 March 1829, 13 January 1830, and
14 December 1831.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
16 August 1832.

740.

R I D E A U C A N A L.

COPY of LETTER from the SECRETARY of the ORDNANCE, dated 21st May 1832, respecting the EXPENDITURE upon the WORKS of the RIDEAU CANAL in *Canada*; together with a Copy of the TREASURY MINUTE thereon.

LETTER from *R. Byham*, Esq. to the Right Hon. *T. Spring Rice*,
&c. &c. &c.

SIR,

Office of Ordnance, 21st May 1832.

REFERRING you to my communications of the 17th and 20th February last, transmitting various Documents connected with the progress of an Expenditure upon the Works of the Rideau Canal;—

I have the honour, by command of the Master General and Board of Ordnance, to forward to you, for the purpose of being submitted to the Lords Commissioners of His Majesty's Treasury, a further Letter from Lieut-Colonel By on the same subject, to which is annexed a Report from the Inspector General of Fortifications, dated the 18th instant; and, as the Papers accompanying the said Letter, are extremely voluminous and would occupy a considerable period in copying, the Master General and Board, in order to save time, are induced to send the same in original, with the Board's request that they may be returned as soon as they can be conveniently spared; and if it should be their Lordships' desire to be furnished with Copies of those Documents, the Master-General and Board will order the same to be prepared, on receiving back the Papers, with a notification of their Lordships' wish to that effect; and with any further communication which their Lordships may consider it necessary to make to this Department on the subject in question.

I have the honour, &c. &c.

(signed) *R. Byham*.

LETTER from Lieut.-Colonel *By*, Royal Engineers, to Colonel *Nicolls*,
Commanding Royal Engineers, *Canada*.

Commanding Royal Engineer Office,
Rideau Canal, 27th Feb. 1832.

SIR,

NO Notifications having been made to me, that my progress Report to the 31st December 1830, forwarded through Colonel Durnford, Royal Engineers, has been received by the Inspector General of Fortifications; I have the honour of forwarding a Duplicate of the same for the information of the Master General and Right honourable and Honourable Board, with additional sheets, showing the amount expended to the 31st December 1831, and the sum required to complete the Canal; also, an Abstract (Z.), exhibiting the Total Expenditure from the commencement of that work to the 31st December last, and the amount which will be required during the present year to complete the Water Communication; and I fully expect that the Canal will be opened throughout its whole extent by the 1st May next.

I have, &c.

(signed) *John By*, Lieut.-Colonel, Royal Engineers.

—No. 20.—

Received on 12th March, and forwarded on to the Inspector General of Fortifications.

Quebec, 17th March 1832.

(signed) *Gust^s Nicolls*, Colonel,
Commanding Royal Engineers, Canada.

Forwarded for the information of the Master General and Board, with reference to my Minute of the 4th November last, forwarding Colonel Durnford's Report of 15th July 1831.

It will be seen by a perusal of the present communication, that Lieut.-Col. By, when he wrote this Letter, contemplated the completion of the Rideau Canal by the first of this month; and it appears by the Abstract (Z.) that the total expenditure up to the 31st December 1831, was £.715,408. 15. 6., being £.22,742. 15. 6. more than has been voted by Parliament; and that a further sum of £.60,615. 10. would probably be expended for the completion of the Canal, making a total of £.776,024. 5. 6. and an excess of £.83,358. 5. 6. beyond what is already voted by Parliament. I have however to observe, that this amount only provides for the Civil and Military Establishments, up to the date of the contemplated completion of the Work. It is therefore probable there will be further excess on this Item (23.)

Columns 9 and 10 show the expected saving and excess on the respective Items of the Estimate of 31st December 1830. I have marked opposite each sum in those columns, the number of the page in the annexed copy of Lieut.-Colonel By's Report of 14th January 1831, where his detailed explanations of the causes of these Savings and Excesses may be found.

The Sums stated necessary for Blockhouses and Land Defences (£.27,750) included in the Abstract, do not form a part of the Canal Work, and therefore I conclude from Lieut.-Colonel By's explanations, will not be expended until further orders, although I apprehend that the total now stated (£.803,774. 5. 6.) will eventually be required for the completion of the Canal with Bridges and Blockhouses.

18th May 1832.

N. B.

19th May 1832.

Ordered, That these Papers be immediately sent to the Treasury, being previously submitted to the Master General.

T. F. K.

21st May 1832.

Approved.

J. K.

Copy of TREASURY MINUTE, dated 25 May 1832.

MY LORDS have under their serious consideration the Letter from the Secretary of the Ordnance of the 21st instant, transmitting to this Board a Letter from Colonel By, of 27th February 1832, accompanied by various explanatory Documents and Accounts, upon the subject of the Expenditure on the Works at the Rideau Canal to the close of 1831, and of that required to complete the Canal, the opening of which was expected to take place in the course of the present month.

My Lords will take into their future consideration these voluminous Accounts and Papers; but they cannot delay expressing their opinion to the Master General and Board of Ordnance on the conduct of Colonel By in carrying on this Work.

It

THE RIDEAU CANAL.

3

It appears from that Officer's Letter, and from the Report of the Inspector General of Fortifications thereon, that Colonel By had actually expended to the close of the year 1831, £.715,408. 15. 6., being £.22,742. 15. 6. more than had been granted for this Work by Parliament; and that without waiting for any authority from this country, he has gone on during the present year with a further Expenditure, entirely unsanctioned, and which it is stated will probably amount to £.60,615. 10., making an excess of £.83,358. 5. 6. beyond the amount granted by Parliament. The Expenditure which was contemplated for this Canal, when the subject was immediately under the consideration of the Select Committee of the House of Commons in 1831, and the whole Expenditure for which any order has at any time been given by any competent authority, is £.693,448., exclusive of £.69,230. for Blockhouses and Works of Defence not sanctioned. In order therefore to complete the Work, Colonel By has, upon his own responsibility, thought proper to expend no less than £.82,576. My Lords assuming from these Papers that the Work has actually been carried on to its completion, since the date of Colonel By's Letter of February last, and that the expense has not been less than the sum at which he then calculated it.

It is impossible for My Lords to permit such conduct to be pursued by any public functionary. If My Lords were to allow any person whatever to expend with impunity, and particularly after repeated increases of the original Estimate, upon any work under his superintendence, a larger amount than that sanctioned by Parliament and by this Board, there would be an end of all control, and My Lords would feel themselves deeply responsible to Parliament. They desire, therefore, that the Master General and Board will take immediate steps for removing Colonel By from any further superintendence over any part of the Works for making Canal Communication in Canada, and for placing some competent person in charge of those Works, upon whose knowledge and discretion due reliance can be placed; to whom must be furnished a Statement of the Estimates and Grants, and who must be strictly charged upon no account whatever to exceed the amount of the Grants.

My Lords further desire that Colonel By may be forthwith ordered to return to this country, that he may be called upon to afford such explanation as My Lords may consider necessary upon this important subject.

Let Copies of these Papers and of this Minute be forthwith prepared, with a view to their being laid before The House of Commons.

(Z.)—ABSTRACT. showing the SUMS Expended during the Half Years ending 30th June and Total Amount of WORKS when Completed ; with the Saving and

	1.	2.	3.	4.	5.
	ESTIMATE given to COMMITTEE.	EXPENDED 31 December 1830.	EXPENDED from 31 December 1830 till 30 June 1831.	EXPENDED from 30 June till 31 December 1831.	TOTAL EXPENDITURES, 31 Dec. 1831.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1. Entrance Valley & first 8 Locks	68,413 11 4	65,567 13 7½	4,392 12 11	487 13 10½	70,448 - 4½
2. From Eight Locks to Hogs Back - - - - }	43,372 17 9	60,485 14 3½	1,058 17 -	1,367 16 4½	62,912 7 8½
3. Hogs Back - - - -	30,658 - 3	33,369 17 4½	500 6 4½	1,202 7 10½	35,072 11 8
4. Black Rapids - - -	10,113 12 5	13,131 16 10½	828 15 8½	9 19 4	13,970 11 11
5. Long Island - - -	22,504 2 6	33,840 10 1½	5,332 1 10½	1,319 13 8½	40,492 5 8½
6. Burret's Rapids - -	11,249 9 5	10,652 8 9½	602 7 5½	1,250 2 10½	12,504 19 1½
7. Nicholson's Rapids -	10,725 9 4½	13,581 7 1½	545 6 4	988 2 6½	15,114 16 -
8. Clowe's Quarry - -	9,865 - 4½	11,434 14 -½	181 16 2½	- - -	11,616 10 3
9. Merrick's Mills - -	17,906 10 9	17,501 14 8	1,318 1 1½	1,492 9 10	20,312 5 7½
10. Maitland's Rapids -	5,776 5 7	9,545 14 8½	151 15 10	1,197 1 -½	10,894 11 7½
11. Edmond's Rapids & Phillip's Bay	14,182 6 3	7,152 10 8½	1,623 10 1½	687 7 6½	9,463 8 5½
12. Old Sly's Rapids - -	12,248 18 10½	17,060 16 7½	2,200 13 3	247 11 -½	19,509 - 11½
13. Smith's Falls - - -	20,408 10 5½	21,171 - 2½	645 17 2½	2,140 1 7½	23,956 19 -½
14. First Rapids - - -	10,718 1 10½	14,109 18 10	4,153 11 10	6,469 18 6½	24,733 9 2½
Oliver's Ferry - - -	100 - -	-	-	-	-
15. Narrowe's Rideau Lake -	409 10 -	3,269 17 3½	1,292 3 3½	2,001 7 3½	6,563 7 10½
16. Ishmus, ditto - - - }					
Strait between Mud & Clear Lakes - - - - }	13,639 3 -	20,105 9 3½	6,813 13 2	2,009 16 5½	28,928 18 11
17. Chaffy's Mills & Small Isthmus } Indian Lake - - - }	20,799 16 2½	6,709 19 4½	3,360 - -	310 15 3½	10,380 14 7½
18. Davies' Rapids - - -	8,988 9 9½	4,325 15 7½	1,025 - -	2,083 9 10½	7,434 5 6½
19. Jones' Falls - - - }	39,136 10 3½	59,531 17 6½	5,797 2 6½	7,728 14 11½	73,057 14 11½
Cranberry Marsh & White Fish	1,384 - -				
20. Brewer's Upper Mill & Round } Tail - - - - }	17,219 16 -½	9,604 13 8½	220 17 -½	8,316 1 6½	18,141 12 3½
21. Brewer's Lower Mill - -	11,262 19 11½	4,316 16 -½	3,474 17 -	1,652 2 3	9,443 15 3½
22. Kingston Mills, Jacks & Billi- dore - - - - }	49,382 7 5	37,981 11 9½	9,656 - 7	6,255 6 10½	53,892 19 3½
Rifts & Cataroque - - - }					
23. Civil & Military Establishment } Barracks & General Contin- gencies - - - - }	121,473 3 2½	87,855 3 9½	7,810 10 11½	11,198 14 10½	106,864 9 8
24. Locks, Gates, Cills, &c. - -	- - -	13,515 13 5½	3,950 16 8½	2,074 16 9½	19,541 6 10½
25. Purchase of Land & Compen- sation for Damages - - }	7,162 2 6	10,157 12 6½	- - -	- - -	10,157 12 6½
£.	579,600 15 7½	585,980 8 6½	66,936 14 6½	62,491 12 4½	715,408 15 6

Expended to the 31st December 1831. (See Column, No. 5) - - - - - 715,408 15 6

Required to complete - - - - - ditto - - 6 - - - - - 88,365 10 -

Total Amount of Canal, when completed, with Bridges & Block-houses. (See Column, No. 7) £.803,774 5 6

THE RIDEAU CANAL.

5

31st December 1831 ; the Total Sums Expended ; the probable Sums required to complete and Increase on each Section on Estimate 31st December 1830.

6.	7.	8.	9.	10.	11.	
REQUIRED to COMPLETE.	TOTAL AMOUNT of WORKS.	AMOUNT Estimated to COMPLETE, 31 December 1830.	SAVING on ESTIMATE, 31 December 1830.	INCREASE on ESTIMATE, 31 December 1830.	Probable Sum required to be Expended 1832, to complete the Navigation.	Probable PERIOD of COMPLETING,
£. s. d.	£. s. d.	£. s. d.	£. s. d.	Page £. s. d.	£. s. d.	
- - -	70,448 - 4 $\frac{3}{4}$	70,643 3 9 $\frac{1}{2}$	195 3 4 $\frac{3}{4}$	26 - - -	- - -	- - Completed, and the Locks have been re- peatedly filled & Steam Boats passed.*
700 - -	63,612 7 8 $\frac{1}{4}$	64,079 5 4 $\frac{3}{4}$	466 17 8 $\frac{1}{2}$	54 - - -	- - -	
400 - -	35,472 11 8	34,701 4 8	- - -	771 7 -	Page 65	
200 - -	14,170 11 11	13,977 10 2	- - -	193 1 9	74 200 - -	
3,800 - -	44,292 5 8 $\frac{3}{4}$	38,525 19 7 $\frac{1}{2}$	- - -	5,766 6 1 $\frac{1}{2}$	90 3,400 - -	
1,500 - -	14,004 19 1 $\frac{1}{4}$	13,698 4 3 $\frac{1}{2}$	- - -	306 14 9 $\frac{3}{4}$	99 1,500 - -	
1,300 - -	16,414 16 -	14,660 15 7 $\frac{1}{2}$	- - -	1,754 - 4 $\frac{1}{2}$	109 900 - -	
400 - -	12,016 10 3	11,529 14 - $\frac{1}{2}$	- - -	486 16 2 $\frac{1}{2}$	117 - - -	
2,050 - -	22,362 5 7 $\frac{1}{2}$	20,456 8 -	- - -	1,905 17 7 $\frac{1}{4}$	133 2,050 - -	
1,500 - -	12,394 11 7 $\frac{1}{2}$	11,102 17 2 $\frac{3}{4}$	- - -	1,291 14 4 $\frac{1}{2}$	147 1,100 - -	
1,800 - -	11,263 8 5 $\frac{1}{4}$	12,039 4 - $\frac{1}{2}$	775 15 7	155 - - -	1,400 - -	
900 - -	20,409 - 11 $\frac{1}{2}$	19,527 - 6 $\frac{3}{4}$	- - -	882 - 4 $\frac{3}{4}$	167 900 - -	
4,900 - -	28,856 19 - $\frac{3}{4}$	33,217 3 3 $\frac{3}{4}$	4,360 4 3	179 - - -	4,900 - -	
1,900 - -	26,633 9 2 $\frac{1}{2}$	20,896 4 2 $\frac{1}{2}$	- - -	5,737 5 -	190 1,500 - -	
- - -	- - -	- - -	- - -	- - -	- - -	- - A Steam Boat may pass these Works on the breaking up of the ice, but they will not be com- pleted until the 1st May next.†
1,000 - -	7,563 7 10 $\frac{1}{2}$	6,529 5 1 $\frac{3}{4}$	- - -	1,034 2 8 $\frac{3}{4}$	196 1,000 - -	
2,650 - -	31,578 18 11	28,049 13 11 $\frac{1}{2}$	- - -	3,529 4 11 $\frac{1}{2}$	207 2,650 - -	
2,500 - -	12,880 14 7 $\frac{3}{4}$	11,075 17 5 $\frac{1}{2}$	- - -	1,804 17 2 $\frac{1}{2}$	217 1,800 - -	
1,400 - -	8,834 5 6 $\frac{1}{2}$	8,396 5 10 $\frac{3}{4}$	- - -	437 19 7 $\frac{3}{4}$	224 1,000 - -	
7,300 - -	80,357 14 11 $\frac{3}{4}$	77,342 10 7 $\frac{1}{2}$	- - -	3,015 4 4 $\frac{1}{2}$	242 6,900 - -	
2,700 - -	20,841 12 3 $\frac{3}{4}$	18,754 9 2 $\frac{3}{4}$	- - -	2,087 3 1	252 2,000 - -	
1,400 - -	10,843 15 3 $\frac{1}{4}$	9,339 12 1 $\frac{3}{4}$	- - -	1,504 3 1 $\frac{1}{2}$	262 1,000 - -	
6,400 - -	60,292 19 3 $\frac{1}{2}$	52,972 11 3 $\frac{1}{2}$	- - -	7,320 7 11 $\frac{3}{4}$	277 6,400 - -	
3,415 10 -	110,279 19 8	98,736 16 7	- - -	11,543 3 1	296 3,415 10 -	
3,600 - -	23,141 6 10 $\frac{3}{4}$	18,670 15 5 $\frac{1}{4}$	- - -	4,470 11 5 $\frac{1}{2}$	297 2,600 - -	
34,650 - -	44,807 12 6 $\frac{1}{4}$	10,151 12 6 $\frac{1}{4}$	- - -	34,650 - -	296 14,000 - -	
88,365 10 -	803,774 5 6	719,074 5 2 $\frac{1}{4}$	5,798 - 11 $\frac{1}{2}$	90,498 1 3	60,615 10 -	

* The Sum required to complete includes £. 20,000, being for the purchase of land required for military purposes; also £. 14,000 to cover damages which individuals will sustain from the construction of the Canal, not provided for in the Progress Report of 31st December 1830.

† Amount required to complete the Navigation in 1832	- - - -	46,615 10 -	£. s. d.
For the purchase of Land, and Compensation to Individuals	- - - -	14,000 - -	60,615 10 -
For Block Houses, Bridges, &c. which may afterwards be constructed	- - - -	7,750 - -	
For Compensation to Individuals for Damages	- - - -	20,000 - -	27,750 - -
Total Amount	- - - -	£.	88,365 10 -

23 Feb. 1832.

(signed) John By, Lieut.-Col. Royal Engineers, Com^r, Rideau Canal.

RIDEAU CANAL.

COPY of LETTER from the SECRETARY of the
ORDNANCE, transmitting Documents respecting
the EXPENDITURE upon the WORKS of the
RIDEAU CANAL in *Canada*; together with a
Copy of the TREASURY MINUTE thereon.

(*Mr. Rice.*)

*Ordered, by The House of Commons, to be Printed,
1 June 1832.*

NORTH AMERICA:—EMIGRATION.

RETURN to an Address to HIS MAJESTY, dated 1 August 1832;—for,

COPY of any ACTS passed by the COLONIES in *British North America*, and which have received HIS MAJESTY'S Sanction, by which a TAX is to be levied on EMIGRANTS arriving from the *United Kingdom*:—Also, COPY of CIRCULAR from the Colonial Office, recommending the same.

Colonial Department, Downing-Street, }
11 August 1832.

R. W. HAY.

(Mr. Hume.)

Ordered, by The House of Commons, to be Printed,
11 August 1832.

S C H E D U L E.

- No. 1.—COPY of a Circular Despatch, addressed to the Governors of Lower Canada, Nova Scotia and New Brunswick, by Viscount Goderich, dated Downing-street, (11 December 1831) - - - - - p. 3
- No. 2.—Copy of an Act passed by the Legislature of Lower Canada, intituled, “ An Act to create a Fund for defraying the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to the place of their destination.”—(25 February 1832.) - - p. 4
- No. 3.—Copy of a Despatch from Sir P. Maitland to Viscount Goderich, dated Halifax, 16 February 1832, enclosing the Copy of an Act passed by the Legislature of Nova Scotia, intituled, “ An Act relating to Passengers from Great Britain and Ireland arriving in this Province.”—(16 February 1832.) - - p. 7
- No. 4.—Copy of an Act passed by the Legislature of New Brunswick, intituled, “ An Act to regulate Vessels arriving from the United Kingdom with Passengers and Emigrants.” - - - - - p. 9

LOWER CANADA, NOVA SCOTIA, &c.

— No. 1. —

COPY of a Circular DESPATCH addressed to the Governors of Lower Canada, Nova Scotia and New Brunswick, by Viscount *Goderich*, dated Downing-street, 11 December 1831.

Sir,

MY attention has been lately particularly called to the inconvenience which in the present year has been found to arise from the want of some efficient means of regulating and controlling the emigration which has taken place from this country to the North American Colonies. Notwithstanding the provisions of the Passengers' Act, it has been found that many vessels have been crowded to such a degree as to expose to much danger the health of the emigrants, and even to create an alarm lest they should carry infection to the ports where they have been disembarked.

Great complaints have also been made of the various kinds of imposition to which unguarded and ignorant persons proceeding to America have been subjected: some have been carried, not to their intended place of destination, but to different and to distant ports; others have been induced, by false promises of the early departure of the vessels in which they have taken their passages, to leave their homes for the port of embarkation long before the ships have been ready to receive them, and have in consequence frequently been placed in a situation of great distress; while others again have been deceived as to the probable length of the voyage, and consequently as to the necessary stock of provisions, that an unfair profit might be made from the supply of their wants during the latter part of the passage. The arrival also of great numbers of emigrants at once at the same port has, in some instances, been the cause of much suffering to themselves, and of much inconvenience to the inhabitants of the place where they have been landed; at Quebec more especially this has been found a most serious evil. It has been a subject of my most anxious consideration to discover some means of obviating the various causes of complaint which I have enumerated; the result has been, that I am impressed with a belief that this can only be accomplished by giving a considerable discretionary power to the Executive Government; any positive law, defining beforehand what is to be required of the masters of vessels carrying out emigrants, would not be framed without much difficulty, and would always be liable to evasion, while by appealing to their pecuniary interest, by making misconduct no longer answer as a matter of profit, it may, I think, be effectually prevented. In order to do this, and at the same time to raise a fund applicable to the expense of receiving and forwarding emigrants to the places of their destination, it appears to me that a measure of the kind pointed out in my confidential circular of the 11th September, might be adopted with advantage; I therefore wish you to suggest to the Provincial Legislature the propriety of levying a small tax, payable by the master of the ship, upon all emigrants on their arrival in the colony, and of providing that this tax shall be doubled in respect of those who shall have been embarked without the sanction of the Government, signified by a certificate from one of the officers of customs at the port of clearance. The adoption of this measure would give to His Majesty's Government the power which it appears so desirable that they should possess, of controlling and directing the tide of emigration; it would enable them in a great measure to distribute the arrivals of emigrants at different ports at convenient periods, and to secure their proper treatment by enforcing all the regulations which might be found necessary for that purpose. The proceeds of the tax would also be of much service in supporting hospitals in the ports where emigrants arrive (thus relieving the inhabitants from the burthen to which they are now exposed), and in defraying other necessary expenses. For these reasons I would strongly

recommend

recommend to the Provincial Legislature the imposition of such a tax as I have described. It is however necessary to state, that I do so with a view not of discouraging, but of regulating the progress of emigration, and that I should by no means approve, nor will you give your assent to any Bill imposing at most a heavier tax than one dollar, except in those cases when it would be doubled upon each emigrant, or appropriating the proceeds to other purposes than those which I have mentioned. Of course this tax could only apply to vessels leaving this country after the intention of imposing it should have been made known. It is therefore most desirable that I should be apprised, as early as possible, what is the decision of the Provincial Legislature on the proposal I have made.

I have, &c.

(signed) GODERICH.

— No. 2. —

LOWER CANADA.

AN ACT to create a Fund for defraying the Expense of providing Medical Assistance for Sick Emigrants, and of enabling Indigent Persons of that description to proceed to the Place of their destination. (25 February 1832.)

Most gracious Sovereign,

WHEREAS by Message from his Excellency the Right honourable Matthew Lord Aylmer, Knight Commander of the Most honourable Military Order of the Bath, laid before both Houses of the Legislature, his Excellency has been pleased to signify, that, in conformity to the instructions he has received from Your Majesty's Government, he recommends the expediency of imposing a rate or duty, payable by the masters of vessels bringing emigrants into this province, for the purpose of creating a fund for defraying the expense of medical care and attendance for sick emigrants, and of enabling indigent persons of that description to proceed to places of their destination; and it is expedient that provision should be made for carrying the said recommendation into effect: May it therefore please Your Majesty, that it may be enacted, and be it enacted, by The King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Lower Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, intituled, *An Act for making more effectual Provision for the Government of the Province of Quebec in North America*; and to make further provision for the government of the said province:" And it is hereby enacted, by the authority of the same, that there shall be raised, levied and collected, a rate or duty, payable in the manner hereinafter described, by the master or person in command of every vessel arriving in the port of Quebec, or in the port of Montreal, from any port of the United Kingdom, with passengers or emigrants therefrom, and having been cleared of the custom-house at such port after the 15th day of April 1832; and such rate or duty shall be 5s. currency for every such passenger or emigrant who shall have embarked under the sanction of His Majesty's Government, ascertained by a certificate from one of the officers of His Majesty's Customs at the port at which such vessel shall have cleared, and 10s. currency for every such passenger or emigrant who shall have embarked without such sanction; and such rate or duty shall be paid by the master or person in command of such vessel, or by such person on his behalf, to the collector or other chief officer of the customs at the port at which such vessel shall be first entered, and at the time of making such first entry, which shall contain, on the face of it, the number of passengers actually on board the vessel; and no such entry shall be deemed to have been validly made, or to have any legal effect whatsoever, unless such rates or duties be so paid as aforesaid.

2. And be it further enacted, by the authority aforesaid, that for the purposes of this Act, two children, each under the age of fourteen years, or three children, each under the age of seven years, shall be reckoned as one passenger; and

and that no child under the age of twelve months shall be reckoned among the number of passengers.

3. And be it further enacted, by the authority aforesaid, that no master or person having the command of any ship or vessel arriving in either of the said ports, shall permit any passenger to leave such vessel until he shall have delivered to the collector, or other chief officer of His Majesty's Customs at such port, a correct list of all the passengers on board such ship or vessel at the time of her arrival at such port, nor until such list shall have been certified to be correct, and a certificate of such correctness, and a permission to allow his passengers to leave the vessel, and a receipt for the duties payable by him under the provisions of this Act, shall have been given to him by the said collector or other chief officer, under a penalty of 20*l.* currency, to be paid by such master, or person having the command, for every passenger leaving his ship or vessel contrary to the provisions of this Act: Provided always, that the said list shall contain the name of each head of a family or single person, being a passenger on board such vessel, his profession or trade, his country, and the place of his destination, and the number of grown persons and children belonging to his family on board such vessel: Provided always, that nothing in this Act contained shall prevent the master, or person having the command of any ship or vessel, from permitting any passenger to leave the vessel at the request of such passenger before the arrival of the vessel in the harbour of Quebec; but in every such case the names of the passengers who shall so leave shall be entered in the manifest on the list of emigrants made out at the time of the clearing of the vessel from the United Kingdom, and shall be certified under the signatures of the passengers so leaving the vessel; and if the number of passengers remaining on board on the arrival of the vessel in the harbour of Quebec do not correspond with that mentioned in such manifest, after deducting the number who shall have so left the vessel, the master or person having the command of such vessel, shall incur a penalty of 5*l.* currency for each passenger not found on board, or entered on the manifest as having left the vessel as aforesaid.

4. And be it further enacted, by the authority aforesaid, that every passenger on board any ship or vessel arriving in the harbour to which the master or person commanding such vessel shall have engaged to convey him, shall be entitled to remain on board such ship or vessel during 48 hours after her arrival in such harbour; and every such master who shall compel any passenger to leave his vessel before the expiration of the said term of 48 hours, shall incur a penalty not exceeding 5*l.* currency for every passenger he shall so compel to leave his vessel; nor shall any master or person commanding such vessel remove, or cause to be removed, before the expiration of the said 48 hours, any berthing or accommodation used by his passengers, under a like penalty.

5. And be it further enacted, by the authority aforesaid, that every pilot who shall have had charge of any vessel having passengers on board, and who shall know that any passenger has been permitted to leave the vessel contrary to the provisions of this Act, and shall not within 24 hours after the arrival of such vessel in the harbour to which he shall have engaged to pilot her, inform the collector or other chief officer of His Majesty's Customs at such place, that a passenger or passengers has or have been so permitted to leave the vessel, shall incur a penalty not exceeding 5*l.* currency, for every passenger with respect to whom he shall have wilfully neglected to give such information.

6. And be it further enacted, by the authority aforesaid, that the monies levied under the authority of this Act shall be paid by the collector or other chief officer of the customs, by whom they shall have been received, into the hands of the Receiver-general for the purposes hereinafter mentioned.

7. And be it further enacted, by the authority aforesaid, that all penalties imposed by this Act may be sued for and recovered with costs on the oath of one credible witness, other than the prosecutor, in a summary manner before any two justices of the peace in the city of Quebec, or in the city of Montreal, and such justices may commit the offender to the common gaol of the district until such penalty and costs shall be paid; and one moiety of every such penalty shall belong to His Majesty, his heirs and successors, and shall be paid into the hands of the Receiver-general to be applied to the purposes to which the other monies levied under the authority of this Act are hereby appropriated, and the other moiety shall belong to the prosecutor.

730.

8. And

8. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, by an instrument under his hand to appoint three persons to be Commissioners for carrying into effect the provisions of this Act, concerning in any way the said Emigrant Society at Quebec, and in like manner to appoint three persons to be Commissioners for the carrying into effect the provisions thereof in any way concerning the said Emigrant Society at Montreal, and from time to time to remove the same and appoint others in their stead; and to such Commissioners all monies to be expended under the direction of the committee of management of the said societies respectively, shall be advanced and paid, and by and through them shall the accounts thereof be rendered in the manner hereinafter prescribed, and they shall be responsible for the due application of the said monies to the purposes for which they are hereby appropriated, and no other, under the direction of the committee of management of each of the said societies respectively.

9. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, by warrant under his hand to pay from time to time as the same may be required for the purposes of this Act, and out of any monies paid into the hands of the Receiver-general under the authority of this Act, a sum equal to one-fourth part of the said monies, to the Commissioners of the Emigrant Hospital at Quebec; and a like sum to the Corporation of the Montreal General Hospital; and a like sum to be expended under the direction of the Emigrant Society at Quebec; and a like sum to the Emigrant Society at Montreal; clear in each case of all deductions for the expenses of collecting the same: Provided always, that no part of the said monies shall be employed by the said committees in making advances of money to any emigrant, but shall be expended in forwarding poor and destitute emigrants to those places in this province, or in the province of Upper Canada, at which it shall appear most probable that they may obtain any employment, and of establishing themselves with the fairest prospect of permanent advantage; but in no case shall any grown person in good health and unincumbered with a family (except unmarried females who may be unable otherwise to join their friends or relatives), receive assistance out of the said monies; provided nevertheless, that out of the said monies, it shall be lawful for the said committee of management to make a reasonable allowance to their recording secretaries, agents and storekeepers, of the said societies respectively, and to defray the expense of office-rent, and of the necessary fuel and stationery.

10. And be it further enacted, by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-governor, or person administering the government, by warrant under his hand, at any time after the 1st day of May next after the passing of this Act, and out of the unappropriated monies in the hands of the Receiver-general, to advance, by way of loan, to the Commissioners for the Emigrant Society at Quebec, a sum not exceeding 500*l.* currency; and a like sum to the Commissioners of the Emigrant Society at Montreal; to be applied and expended under the direction of the committees of management of the said societies respectively, as aforesaid: Provided always that the sum or sums so advanced shall be deducted from the one-fourth part of the monies levied under the authority of this Act, which are so appropriated to the purposes of each of the said societies respectively.

11. And be it further enacted, by the authority aforesaid, that the said Commissioners and the said Corporation, and the Commissioners for the said societies into whose hands any money shall be paid under the authority of this Act, shall within 15 days after the meeting of each session of the Provincial Legislature, during the continuance of this Act, lay before each of the Branches thereof a faithful and detailed account of the expenditure of such monies, and a correct list of the emigrants by them respectively relieved, distinguishing the nation and country of every such emigrant, the place to which he or she shall have been forwarded, and his or her age, and the amount expended in affording such relief, (and in what manner expended), to every grown person, and his or her trade and name.

12. And be it further enacted, by the authority aforesaid, that every person to whom shall be entrusted the expenditure of any portion of the monies hereby appropriated, shall make up detailed accounts of such expenditure, showing the

the sum advanced to the accountant, the sum actually expended, the balance (if any) remaining in his hands, and the amount of the monies hereby appropriated to the purpose for which such advance shall have been made, remaining unexpended in the hands of the receiver-general, and that every such account shall be supported by vouchers therein distinctly referred to, by numbers corresponding to the numbering of the items in such account, and shall be made up to and closed on the 10th day of April and 10th day of October in each year, during which such expenditure shall be made, and shall be attested before a justice of the Court of King's Bench, or a justice of the peace, and shall be transmitted to the officer whose duty it shall be to receive such account, within 15 days next after the expiration of the said periods respectively.

13. And be it further enacted by the authority aforesaid, that the due application of the monies received for the public uses of this province under the authority of this Act, shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, his heirs and successors shall direct; and that a detailed account of all such monies shall be laid before the several Branches of the Provincial Legislature within the first 15 days of the next session thereof.

14. And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the 1st day of May 1834, and no longer.

— No. 3.—

NOVA SCOTIA.

COPY of a DESPATCH from Sir *P. Maitland* to Viscount *Goderich*, dated Halifax, 16 February 1832, enclosing the Copy of an Act passed by the Legislature of Nova Scotia, intituled, "An Act relating to Passengers from Great Britain and Ireland arriving in this Province."—(16 Feb. 1832.)

My Lord,

Government House, Halifax,
16 February 1832.

IN compliance with the directions conveyed in your Lordship's despatch, marked circular, of the 11th December, I took the earliest opportunity of suggesting to the Legislature the propriety of laying a small tax, payable by the master of the ship, on all emigrants brought into this colony, and I have now the satisfaction of transmitting to your Lordship a copy of an Act to which I have this day, in His Majesty's name, assented, and which I hope will be found to meet your Lordship's wishes.

The tax imposed is one dollar on the arrival of every emigrant, if embarked with the sanction of Government, and two dollars, if embarked without; and the proceeds are placed at the disposal of the Lieutenant-governor, applicable to the benevolent purposes pointed out by your Lordship. The Act will not go into operation till the 1st July next.

I have, &c.
(signed) *P. Maitland*,
Lieut.-govr.

(Enclosure.)

In the House of Assembly, 10 February 1832.

Ordered to be sent to the Council for concurrence.

AN ACT relating to Passengers from *Great Britain* and *Ireland* arriving in this Province.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, that from and after the time this Act shall go into operation as hereinafter mentioned, whenever any ship or vessel shall arrive or come into any port or place

place within this province, from any port or place in Great Britain or Ireland, the master or commander of such ship or vessel, immediately after the arrival thereof, and before such ship shall be admitted to an entry, shall either make and subscribe a declaration before the collector or other principal officer or officers of His Majesty's Customs for the port or place where such ship or vessel shall arrive as aforesaid, that no passenger or passengers embarked or sailed from Great Britain or Ireland on board of such ship or vessel on her said voyage to this province or otherwise, or shall make out and deliver to the said collector, or other principal officer or officers, a schedule or list in writing to be signed by him, setting forth the name or names, trade, occupation, profession or employment of all and every passenger or passengers who shall or may have respectively been embarked or have sailed on board of such ship or vessel at or from any port or place in Great Britain or Ireland on her said voyage to this province, and also the name or names, trade, occupation, profession or employment of all and every passenger or passengers respectively who shall or may arrive and be landed from such ship or vessel in any port or place within this province.

And be it further enacted, that before any such ship or vessel so arriving as aforesaid, having on board any passenger or passengers from Great Britain or Ireland, to any port or place within this province, or who shall or may be landed within this province, shall be admitted to an entry, there shall be paid by the owner or owners, master or commander of such ship or vessel to the collector or other principal officer or officers of the customs for the port or place in this province where such ship or vessel shall arrive, the sum of 10*s.* of the current money of this province for each and every passenger who shall or may have embarked or taken passage in such ship or vessel from Great Britain or Ireland, and been landed within this province : Provided always, that if a certificate that all and every the passenger or passengers in and on board of such ship or vessel respectively were embarked by and with the sanction of His Majesty's Government, signed by the principal officer of the customs at the port of clearance of such ship or vessel in Great Britain or Ireland, shall be produced and shown to the collector or other principal officer or officers of the customs at the port or place in this province where such ship or vessel shall or may arrive as aforesaid, then and in such case there shall be paid by the owner or owners, master or commander of such ship or vessel for each and every passenger the sum of 5*s.* of the current money of this province, and no more.

And be it further enacted, that it shall not be lawful for the collector or other principal officer or officers of any port or place within this province, to grant any clearance to any such ship or vessel so bringing any passenger or passengers into this province as aforesaid, until the said sums of 5*s.* or 10*s.* as the case may be, for each and every passenger, shall be paid as hereinbefore directed.

And be it further enacted, that all monies which shall or may be collected and received by the collectors or other officers of the customs within this province, under the directions and provisions of this Act, shall be from time to time, when and so soon as the same shall be collected and received by them respectively, paid into the treasury of this province, to be applied as hereinafter directed.

And be it further enacted, that it shall and may be lawful for the Governor, Lieutenant-governor or Commander-in-Chief for the time being, by warrant under his hand and seal, to draw from the treasury from time to time all or any such monies, and to pay and apply the same in such manner, and to such uses and purposes, for the benefit of poor emigrants arriving in this province as he shall deem most expedient : Provided always, that an account of the disposal and application of such monies shall be submitted to the House of Assembly at each session of the General Assembly.

And be it further Enacted, that if any master or commander of any ship or vessel from Great Britain or Ireland, with any passenger or passengers on board, arriving at any port or place within this province, shall neglect or refuse to make out and deliver to the collector, or other principal officer or officers, such schedule or list, in writing, as is hereinbefore required, or shall fraudulently make and subscribe any such declaration, or make out and deliver any such schedule or list which shall be false and untrue in any particular, then and in either of such cases such master or commander shall forfeit and pay the sum of

100 £, to be sued for and recovered in any of His Majesty's Courts of Record within this province, by bill, plaint or information, at the suit of His Majesty, or of any one of the officers of His Majesty's Customs within this province; one half of the said sum to be paid to the person who shall sue for the same, and the other half to be paid into the treasury of this province, to be drawn for and applied and accounted for in the same manner as hereinbefore directed with respect to the other monies to be collected and received under and by virtue of this Act.

And be it further enacted, that any master or other person in command or charge of any such ship or vessel which shall have cleared out from any port or place in Great Britain or Ireland for any port or place in the province, who not being compelled thereto by absolute necessity, to be adjudged of by the said officers of His Majesty's Customs shall land, or shall knowingly suffer to land any passenger or passengers in any port or place within this province, or any other of the North American colonies, before making the entry and declaration hereinbefore required, or otherwise contrary to the provisions of this Act, shall forfeit and pay the sum of 10£. for every such passenger so landed, to be recovered by bill, plaint or information in any court of record in this province.

Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to any of His Majesty's ships of war, or His Majesty's packets, or to any ship or vessel actually engaged and employed as a transport, or store-ship for the transport or conveyance of His Majesty's troops or military stores, or otherwise in the employment or service of His Majesty's Government.

And be it further enacted, that this Act shall not go into operation until after the 1st day of July next, and shall continue and be in force for three years from the said 1st day of July next, and from thence to the end of the then next session of the General Assembly.

— No. 4. —

NEW BRUNSWICK.

COPY of an ACT passed by the Legislature of New Brunswick, intituled,
 “ An Act to regulate Vessels arriving from the United Kingdom with Pas-
 sengers and Emigrants.”

Anno Secundo Gulielmi 4, Regis.

WHEREAS the practice of landing passengers and emigrants from the United Kingdom who are in a destitute and diseased condition has become extremely burthensome, and sometimes dangerous to the health of the inhabitants of this province. And whereas such disease and distress are often occasioned by the practice of taking on board ships in the ports of the United Kingdom more passengers and emigrants than can be comfortably accommodated; and whereas it is just and expedient that the inhabitants of this province should be relieved from some of the heavy burthens thus imposed upon them. Preamble.

1. Be it therefore enacted, by the Lieutenant-governor, Council, and Assembly, that the man or person having charge of any ship or vessel, which may arrive at any port or place in this province, from any port or place in the United Kingdom with passengers and emigrants shall, at the time of reporting such ship or vessel, pay to the treasurer of the province, or any deputy treasurer, at the port or place where such ship or vessel may arrive, the sum of 5s. for each and every such passenger and emigrant, when the master or person having charge as aforesaid, shall make it appear, by a certificate from the officers of the customs, at the port of clearance in the United Kingdom, that such ship or vessel had the sanction of His Majesty's Government to take out passengers and emigrants to the North American Colonies; and when no such certificates are produced to the said treasurer or deputy treasurer, as the case may be, then and in such case the master or person having charge of such ship or vessel as aforesaid, shall pay to the said treasurer or deputy treasurer the sum of 10s. for each and every passenger and emigrant on board such ship or vessel; all which Masters of vessels, arriving from the United Kingdom, to pay 5s. for each passenger when the vessel is sanctioned by His Majesty's Government to take out emigrants to the North American Colonies, and 10s. when not so sanctioned.

Proviso, as to
children.

sum or sums the said treasurer and deputy treasurers respectively are hereby authorised and required to demand and receive: Provided always, that two children, each being under the age of 14 years, or three children, each being under the age of seven years, or one child being under the age of 12 months, with the mother of such child, shall in all such cases be computed as one person for the purposes of this Act.

Separate accounts
to be kept of the
money arising under
this Act.

2. And be it further enacted, that the treasurer of the province, and deputy treasurer respectively, shall keep a separate account of all monies received under and by virtue of this Act; which sums so received shall be applied from time to time, by grants from the Legislature, towards relieving destitute and diseased passengers and emigrants, and in assisting them to reach their several places of destination within the province, and paid by warrant of his Excellency the Lieutenant-governor, or Commander-in-chief for the time being.

Application of the
Act.]

Mode of recovering
the duty in cases of
neglect or refusal to
pay.

3. And be it further enacted, that upon the refusal or neglect of the master or person having charge of any ship or vessel arriving with passengers and emigrants as aforesaid, to pay the sum or sums for each and every passenger and emigrant aforesaid, it shall and may be lawful to and for the treasurer, or deputy treasurer, as the case may be, to sue for and prosecute the same before any two of the magistrates of the county where the vessel may be; and on conviction, the said magistrates shall and may levy the same by warrant of distress under their hands and seals, directed to any sheriff, marshal or constable, at or near the place where the vessel may be, and by sale, under the said warrant, of the guns, boats, tackle, apparel and furniture of such ship or vessel, and the overplus (if any) of such distress and sale, after deducting the costs, shall be paid to the master or person having charge of such ship or vessel.

Suspending clause.

4. And be it further enacted, that this Act shall not be in force or come into operation until His Majesty's Royal Assent be first thereunto had and declared.

(signed) *Archibald Campbell,*
Lieut.-Gov^r.

Note.—This Act has been confirmed by His Majesty in Council.

NORTH AMERICA :—EMIGRATION.

COPY of any ACTS passed by the COLONIES in *British North America*, and which have received HIS MAJESTY'S Sanction, by which a TAX is to be levied on EMIGRANTS arriving from the *United Kingdom* :—Also, COPY of CIRCULAR from the Colonial Office, recommending the same.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
11 August 1832.

NEWFOUNDLAND.

COPY of the COMMISSION appointing Captain Sir *Thomas John Cochrane*, Knight, Governor of the Colony of *Newfoundland*, and authorizing him to convoke a LEGISLATIVE ASSEMBLY of the Colony.

Colonial Department, }
Downing-street, June 1832. }

Ordered, by The House of Commons, to be Printed, 7 June 1832.

—♦—

WILLIAM the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, to our trusty and well-beloved Sir *Thomas John Cochrane*, Knight, greeting:—WHEREAS We did by Our Letters Patent, bearing date at Westminster, the 28th day of December, in the 1st year of Our reign, constitute and appoint you, the said Sir Thomas John Cochrane, to be Governor and Commander-in-Chief in and over the Island of Newfoundland and Territories within the limits therein described, as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear: Now know you, that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters Patent, and every clause, article and thing therein contained: and further know you, that We, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Sir Thomas John Cochrane, of Our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint you, the said Sir Thomas John Cochrane, to be Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and the Islands adjacent, and all the Coast of Labrador, from the entrance of Hudson's Straits to a line to be drawn due north and south from Ana Sablon on the said Coast, to the 52d degree of north latitude, and all the Islands adjacent to that part of the said Coast of Labrador, as also of all Forts and Garrisons erected and established, or to be erected and established, in the said Island of Newfoundland and the Islands adjacent, or on the Coast of Labrador within the limits aforesaid, or in the said Islands adjacent to that part of the said Coast, for and during Our will and pleasure.

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust We have reposed in you, according to the several powers and authorities granted or appointed you by this present Commission and the Instructions herewith given you, or according to such further powers, directions and authorities as shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State, and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of Our said Island and its Dependencies under your government, when such Assembly shall be called.

And Our will and pleasure is, that you, the said Sir Thomas John Cochrane, after the publication of these Our Letters Patent, do take the oaths appointed to

be taken by an Act passed in the 1st year of the reign of King George the First, intituled, "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors," as altered and explained by an Act passed in the 6th year of the reign of King George the Third, intituled, "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the 7th year of her late Majesty Queen Anne, intituled "An Act for the improvement of the Union of the two Kingdoms, as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the oath required to be taken by an Act passed in the 10th year of the reign of his late Majesty, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last mentioned Act shall be applicable to your case; and likewise that you take the usual oath for the due execution of the office and trust of our Governor and Commander-in-Chief in and over Our said Islands and Territories, and for the due and impartial administration of justice; and further, that you take the oath required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed; which oaths Our Council of Our said Island and its Dependencies, or any Three of the Members thereof, have hereby full power and authority and are required to tender and administer unto you, and in your absence to Our Lieutenant-Governor, if there be one on the place; all which being duly performed, you shall administer to each of the members of Our said Council such of the said oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of Our said Council taking the same; and you are also to administer to them the usual oath for the due execution of their places and trust respectively; all which oaths shall also be administered by the Governor or person administering the government of Our said Island and its Dependencies for the time being, to all such persons as shall hereafter be appointed to be of Our said Council, before they respectively enter upon the execution of the duties of such their offices.

And We do hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting, voting and assisting therein, if you shall find just cause for so doing; and if it shall at any time happen that by the death, departure out of Our said Island and its Dependencies, suspension of any of Our said Councillors, or otherwise, there shall be a vacancy in Our said Council, any three of whom We do hereby appoint to be a quorum, Our will and pleasure is that you signify the same unto Us by the first opportunity, that We may, under our Signet and Sign Manual, constitute and appoint others in their stead: but that Our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than seven of them residing in Our said Island and its Dependencies, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to choose as many persons out of the principal freeholders, inhabitants of our said Island and its Dependencies, as will make up the number of Our Council to be seven, and no more, which persons so chosen and appointed by you shall be to all intents and purposes Councillors for Our said Island and its Dependencies until either they are confirmed by Us, or that by the nomination of others by Us under Our Sign Manual and Signet, Our said Council shall have seven or more persons in it.

And We do hereby give and grant unto you full power and authority, with the advice and consent of Our said Council, from time to time as need shall require, to summon and call general assemblies of the freeholders and householders within the said Island and its Dependencies under your government, in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by your General Instructions accompanying this your Commission, or according to such further powers, instructions and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council; and Our will and pleasure is, that the persons thereupon duly elected by the major part of the freeholders and householders of the respective Towns or Districts, and so returned, shall before their sitting take such of the oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same, which oaths you shall commission fit persons,

sons, under the seal of Our said Island and its Dependencies, to tender and administer unto them ; and until the same shall be so taken, no person shall be capable of sitting, though elected : and We do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of Our said Island of Newfoundland, and you the said Sir Thomas John Cochrane, by and with the advice and consent of Our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of Our said Island and its Dependencies, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, our heirs and successors, which said laws, statutes and ordinances are not to be repugnant, but as near as may be agreeable, to the laws and statutes of this our United Kingdom of Great Britain and Ireland.

Provided that all such laws, statutes and ordinances, of what nature or duration soever, be, within three months or sooner after the making thereof, transmitted to Us, under the public seal of Our said Island and its Dependencies, for Our approbation or disallowance of the same, as also duplicates thereof, by the next conveyance. And in case any or all of the laws, statutes and ordinances not before confirmed by Us shall at any time be disallowed and not approved, and so signified by Us, Our heirs or successors, under Our or their sign manual and signet, or by order of Our or their Privy Council unto you, the said Sir Thomas John Cochrane, or the Commander-in-Chief of Our said Island for the time being, then such and so many of the said laws, statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by Our said Council and Assembly to the prejudice of Us, Our heirs or successors, We will and ordain that you, the said Sir Thomas John Cochrane, shall have and enjoy a negative voice in the making and passing such laws, statutes and ordinances as aforesaid, and that you, or, in your absence, the officer administering the Government, shall and may from time to time, as you or he shall judge it necessary, adjourn, prorogue or dissolve all general assemblies as aforesaid.

And We do hereby authorize and empower you to keep and use the public seal for sealing all things whatsoever that shall pass the seal of Our said Island and its Dependencies. And We do further give and grant unto you, the said Sir Thomas John Cochrane, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give such of the said oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered, to all and every such person or persons as you shall think fit who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Island and its Dependencies, or shall be resident or abiding therein.

And We do by these presents give and grant unto you, the said Sir Thomas John Cochrane, full power and authority, with the advice and consent of Our said Council, to constitute and appoint, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary officers and ministers in Our said Island and its Dependencies, for the better administration of justice, and putting the said laws into execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you full power and authority, where you shall see cause or judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto Us, fit objects of Our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures, (treason and wilful murder only excepted,) in which cases you shall likewise have power upon extraordinary occasions to grant reprieves unto the offenders, until and to the intent Our Royal pleasure may be known therein.

And We do by these presents authorize and empower you to present to the Bishop of the Diocese of Nova Scotia for institution any person or persons to and churches, chapels, or other ecclesiastical benefices within Our said Island and its Dependencies as often as any of them shall happen to be void.

And We do hereby give and grant unto you, the said Sir Thomas John Cochrane, by yourself, or by your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons whatsoever,

whatsoever, residing within Our said Island and its Dependencies, and as occasion shall serve, them to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates and rebels, both at sea and land, and to transport such forces to any of Our plantations in America, if necessity shall require, for the defence of the same against the invasion or attempt of any of our enemies, and such enemies, pirates and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of Our said Island and its Dependencies, or any of them, and if it shall so please God them to vanquish, apprehend and take, and to execute martial law in the time of invasion, war, or other times when by law it may be executed, and to do and execute all and every other thing and things which to Our Governor and Commander-in-Chief doth and ought of right to belong. And We do hereby give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to erect, constitute and establish in Our said Island and its Dependencies, such and so many counties, townships, parishes, cities, boroughs and towns, as you, by the advice aforesaid, shall judge necessary.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto such captains, lieutenants, masters of ships, and other commanders and officers, commissions to execute the law martial during the time of war, according to the directions of an Act passed in the twenty-second year of the reign of King George the Second, intituled, "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," as the same is altered by an Act passed in the nineteenth year of the reign of King George the Third, intituled, "An Act to explain and amend an Act made in the twenty-second year of the reign of His late Majesty King George the Second, intituled "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," and to use such proceedings, authorities, punishments, corrections, and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or anyways unruly, either at sea or during the time of their abode or residence in any of the ports, harbours or bays of Our said Island and its Dependencies, as the case shall be found to require, according to martial law, and the said directions during the time of war, as aforesaid; Provided that nothing herein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have any jurisdiction of any offence, cause, matter or thing committed or done upon the high seas, or within any of the havens, rivers or creeks of Our said Island and its Dependencies under your government, by any captain, commander, lieutenant, master, officer, seaman, soldier or other person whatsoever, who shall be in actual service or pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty, but that such captain, commander, lieutenant, master, officer, seaman, soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require, either by Commission under Our Great Seal of this Kingdom as the statute of the twenty-eighth of King Henry the Eighth directs, or by Commission from Our said Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, according to the aforementioned Act, passed in the twenty-second year of the reign of King George the Second, as altered by the said Act passed in the nineteenth year of the reign of King George the Third; Provided nevertheless, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or other person whatsoever, belonging to any of Our ships of war, or other vessels acting by immediate Commission or Warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great

GOVERNOR OF NEWFOUNDLAND.

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Great Britain and Ireland for the time being, under the Seal of Our Admiralty, may be tried and punished according to the laws of the place where such offences, disorders, and misdemeanors shall be committed on shore, notwithstanding such offender be in our actual service, and borne in Our pay on board any such Our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offences committed on shore, from any pretence of his being employed in Our Service at sea.

And Our further will and pleasure is, that all public monies raised, or which shall be raised by any Act hereafter to be made within Our said Island and its Dependencies, be issued out by warrant from you, by and with the advice and consent of the aforesaid Council (and not otherwise), and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed or appointed in and by such Act, and not otherwise; And We do likewise give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to settle and agree with the inhabitants of Our said Island and its Dependencies for such lands, tenements and hereditaments as are now, or hereafter shall be, in Our power, to dispose of, and them to grant, to any person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments to be thereupon reserved to Us, as you or they, by the advice aforesaid, shall think fit, which said grants are to pass and be sealed by Our Public Seal of Our said Island and its Dependencies, and being entered upon record by such officer or officers as shall be appointed thereunto, shall be good and effectual in law against Us, Our heirs and successors. And We do hereby give you the said Sir Thomas John Cochrane full power and authority to order and appoint fairs, marts and markets, as also such and so many ports, harbours, bays, havens and other places for the conveniency and security of shipping, and for the better loading and unloading of ships and merchandizes, in such and so many places as by and with the advice and consent of Our said Council shall be thought fit and necessary.

And We do hereby require and command all officers and ministers, civil and military, and all others the inhabitants of Our said Island and its Dependencies, to be obedient, aiding and assisting unto you the said Sir Thomas John Cochrane in the execution of this Our Commission, and of the powers and authorities herein contained; and in case of your death or absence out of Our said Island and its Dependencies and Government, to be obedient, aiding and assisting as aforesaid unto such person as shall be appointed by Us to be Our Lieutenant-Governor, or to the Commander-in-Chief for the time being of Our said Island and its Dependencies, to whom We do therefore, by these Presents, give and grant all and singular the powers and authorities herein granted, to be by him executed and enjoyed during Our pleasure, or until your arrival within Our said Island and its Dependencies; and if upon your death or absence out of Our said Island and its Dependencies there be no person on the place commissioned or appointed by Us to be Our Lieutenant-Governor, or specially appointed by Us to administer the government within Our said Island and its Dependencies, Our will and pleasure is, that the Councillor whose name is first placed in Our Instructions to you, unless it shall therein be otherwise directed, and who shall be at the time of your death or absence residing within Our said Island and its Dependencies, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the same manner to all intents and purposes as other Our Governor or Commander-in-Chief should or ought to do, in case of your absence, or until your return, or in all cases until Our further pleasure be known thereon; and We do hereby declare, ordain and appoint that you, the said Sir Thomas John Cochrane, shall and may hold, execute and enjoy, the office and place of Our Governor and Commander-in-Chief in and over the Island and Territories aforesaid, together with all and singular the powers and authorities hereby granted unto you, for and during Our will and pleasure.

In witness, &c., witness, &c.

Dated 2d March 1832.

(countersigned)

BATHURST.

NEWFOUNDLAND.

COPY of the COMMISSION appointing Captain
Sir *Thomas John Cochrane*, Knight, Governor of
the Colony of *Newfoundland*, and authorizing
him to convoke a LEGISLATIVE ASSEMBLY of
the COLONY

Ordered, by The House of Commons, to be Printed,
7 June 1832.

NEWFOUNDLAND :—ROYAL INSTRUCTIONS.

RETURN to an Address of The Honourable The House of Commons,
dated 28 July 1832 ;—for,

COPY of the ROYAL INSTRUCTIONS to the Governor of *Newfoundland*,
and of the DESPATCHES from Lord *Goderich* to him, transmitting
the Commission.

Colonial Department, Downing-street, }
3 August 1832.

HOWICK.

SIR,

Downing-street, 27 July 1832.

I HAVE the honour herewith to transmit to you His Majesty's Commission under the Great Seal, appointing you Governor of the Island of Newfoundland, together with your General Instructions under the Royal Sign Manual, referred to in that Commission.

As this is the first occasion on which provision has been made for convening a Legislative Assembly for the island of Newfoundland, the importance of that measure requires that I should not limit myself to the merely formal duty of placing you in possession of these instruments, but that I should shortly explain the grounds and the nature of the policy by which His Majesty's Councils on this subject have been directed.

It were superfluous at the present day to inquire into the wisdom of that system which was pursued for so many years towards the ancient colony under your government, the fundamental principle of which was to prevent the colonization of the island, and to render this kingdom the domicile of all persons engaged in the Newfoundland fisheries. The common interest or convenience of those persons virtually defeated the restrictions of the various statutes respecting them, long before Parliament admitted the necessity of repealing those laws. A colony gradually settled itself along the shores of the island, and has of late years assumed a rank of no inconsiderable importance amongst the foreign possessions of the British Crown ; but notwithstanding the growing population and the wealth of Newfoundland, no plan has hitherto been adopted for regulating such of the internal affairs of the colonists as demanded the enactment of laws specially adapted to their peculiar situation. Parliament, indeed, contemplated the erection of corporate towns, with the power of making bye-laws, for remedying this inconvenience ; but on attempting to carry this design into effect, unforeseen obstacles were encountered. It was found altogether impracticable to reconcile the contradictory wishes and recommendations of the parties who would have been more immediately affected by the measure ; and it became evident that the boon which it was proposed to confer would be received by a great body of the inhabitants, not as an act of grace, but as an infringement of their rights, into whatever form the intended charters might have been thrown. The consequence was, that His Majesty became practically unable to execute the trust which Parliament had confided to him.

The necessity of some provision for regulating the internal concerns of Newfoundland by enactments adapted to the peculiarities of their local position became however daily more and more evident. Carrying with them from this kingdom the law of England, as the only code by which the rights and duties of the people in their relations to each other, and in their relation to the State, could be ascertained, it was obvious, as soon as the colony began to assume a settled

form, that the adaptation of that code to the various exigencies of the local society was a task demanding the exercise of much reflection and caution; that many of its provisions were entirely inapplicable to the wants of a population so peculiarly situated; and that many more could be applied only by a distant and uncertain approach to the original standard. Hence it occurred that, in the administration of the law, the judges virtually assumed to themselves functions rather legislative than judicial; and undertook to determine not so much what the law actually was, as what, in the condition of Newfoundland, it ought to be. For this assumption of power no censure attaches to those learned persons; without any positive rule of decision, nothing remained for them but to engage in such an inquiry; yet the practical inconvenience was not the less urgent, nor the anomaly the less glaring.

It was not, however, merely in the absence of rules, which this latitude of judicial interpretation might supply, that the public detriment was sustained. There were still wanting other regulations, which no judge could either invent or enforce. Especially in whatever related to police and internal improvements, demanding the co-operation of different persons, nothing could be carried into effect, which any individual found an adequate reason for opposing, or which he opposed from mere caprice. I find that in a matter so trifling in appearance, and yet affecting the comforts of so many, as the prevention of domestic animals wandering at large through the country, an earnest application was made to His Majesty's Government to obtain an Act of Parliament for the redress of the grievance endured by the colonists. Although it was thought improper to encumber the British statute-book with such provisions, yet it was fully admitted that they could be supplied by no other authority; and the application itself forcibly illustrated the inconvenience of so remote a society being destitute of any local Legislature.

It may seem, however, superfluous to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of constitution which generally prevails throughout the British Transatlantic colonies; the difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of colonial government which has been attended with so many advantages in British North America, would produce similar benefits at Newfoundland, if transferred to that settlement. I do not indeed mean to deny that some considerable inconvenience has occasionally resulted from the adoption, in those dependencies of Great Britain, of constitutions modelled into a miniature resemblance of our own; but I know not what is the system of which the same might not be truly asserted. It is sufficient to say of the scheme of internal polity in force in Nova Scotia and New Brunswick, that in all the colonies to which it has been extended, it has invariably secured the attachment of the people, by giving them a large share in the management of their own affairs; by affording an open field for the free exercise of talents and public spirit; by providing honourable ambition with a legitimate object and reward; by insuring immediate and careful attention to the various exigencies of society; and by promoting a frugal and judicious administration of public affairs. With the single exception of those colonies in which the people are separated from each other by distinctions analogous to those of caste, representative Assemblies are not only recommended by abstract considerations drawn from the genius and principles of our own Government, but by a long course of experiments pursued under a great variety of circumstances, but still leading to the same general result.

In advising His Majesty to convene an Assembly from among the inhabitants of Newfoundland, I have therefore not yielded myself to the guidance of any improved theory, but have simply extended to another of the colonial possessions of the Crown principles which have been elsewhere brought to the test of repeated and successful experiment. Yet I do not conceal from myself, nor wish to deny, that the duty which you will have to perform will be attended with some difficulty, and that you will have large scope for the exercise of circumspection and industry. In the first execution of such a design, many questions will probably arise which it were impossible to anticipate distinctly. From the novelty of the duties cast upon them, and from their inexperience in civil business of that nature, I can foresee that the returning officers, the voters, and the members of Assembly, may all in some instances misapprehend the functions which they will have to discharge, or the proper mode of proceeding

ceeding for the methodical and accurate discharge of them. Cautiously abstaining from the appearance of usurping any undue authority over matters properly falling within the cognizance of the Assembly, you will yet be prompt to afford to all parties whatever counsel or assistance you can render them, to obviate difficulties of this nature. It cannot be made too apparent that the boon which has been granted is seconded by the cordial good will and co-operation of the Executive Government, and that the House of Assembly is regarded, not as a rival power, but as a body destined to co-operate with yourself in advancing the prosperity of the settlement.

For your own guidance it may be right to observe, that colonial assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source. The distinctions are of course both numerous and important, and grow out of the dissimilarity of the circumstances of the representative bodies of a small colony and of an extensive kingdom; but in general the analogy is maintained, and therefore the laws and rules of Parliament, as modified by the exigencies of the case, may be taken as the safest guide for the conduct of the Council and Assembly, and for your own proceedings towards them.

As soon as conveniently may be after your arrival in Newfoundland, you will convene the Council, according to your general instructions, and arrange with them the whole course of proceedings to be adopted for giving effect to so much of those instructions as relate to the convoking the Assembly. Especially you will consider the proper forms of the writs to be addressed to the returning officers, the proper places for holding elections, the most convenient times at which they can take place, the necessary arrangements for the reception and accommodation of the legislative body at the town of St John's, the most convenient method of opening the first session of the General Assembly with appropriate and decorous solemnities; and, above all, the topics to which their attention should in the first instance be directed.

In conformity with the precedents in use on similar occasions, a proclamation has been approved declaratory of the future system of government to be observed in the colony. This proclamation you will cause to be circulated in the most public manner as soon as conveniently may be after your arrival.

It has for the present divided the country into electoral districts, and has determined the number of members who are to be returned for each. These, however, are topics on which it is very probable that the information I have been able to acquire in this kingdom may be erroneous or defective. Any other division of the country which may be more generally convenient, and any other arrangement of the number of representatives for different districts, which the Council and Assembly may deem more advantageous, will be the fit subject of legislative enactment. No change in the constitution of the House, or in the total number of members, can however be effected, except with His Majesty's previous approbation, and in the manner indicated in your general instructions.

In accordance with the uniform course of precedents, your Commission constitutes a Council which will participate with the Assembly in the enactment of laws. It is not, however, to be denied that this part of the established system of colonial legislation has been practically found to be attended with some serious difficulties. The members of Council, deriving their authority from the Royal Commission, have not seldom been regarded with jealousy and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the semblance of harshness when opposed to the unanimous, or the predominant opinions of those to whom the colonists looked with confidence as their representatives. The Councils, it must be confessed, have not uniformly exerted themselves to repel, or to abate, this prejudice. The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and to a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature; and have not seldom involved them in dissensions which it would have been more judicious to decline. Some

of the principal inhabitants of the colony, as well as the chief officers of the local Government, being usually members of the Council, are removed from the prospect of obtaining seats in the House of Assembly. Even in colonies in which there is a larger society, and a greater number of proper persons to become members of the Legislature than in Newfoundland, considerable inconvenience has been found to result from raising to the rank of councillors the leading members of the Assembly, and thereby losing their services in that body. The want of any member competent to explain or vindicate the course pursued, by the executive authorities has been still more severely felt: measures have not unfrequently been misunderstood, and it has happened that a trifling misconception, which a few words of timely explanation would have removed, has grown into a serious and embarrassing controversy. The effect of the institution, therefore, is too often to induce a collision between the different branches of the Legislature, to exempt the Governor from a due sense of responsibility, and to deprive the representative body of some of its most useful members. Yet the compensation which might atone for these evils is not obtained, and the Council does not assume in the colony a position, or an influence analagous to that of the House of Peers, because entirely destitute of that hold on public opinion which the property and independence of its members, as well as the antiquity of the institution itself, confers upon the peerage of this country.

Adverting to these considerations, and to the legislative history of the British North American and West Indian colonies; I should regard with satisfaction any arrangement which should consolidate the Council and the Assembly into a single House, in which the representatives of the people would be met by the official servants of the Crown. An example of this form of government exists in British Guiana, and is found to possess in practice many of the advantages which it promises in theory, by casting upon the Governor an undivided responsibility as often as he adopts or rejects the proposals of the legislative body, and by securing to them all the information and assistance which can be rendered by members officially conversant with the various subjects brought under their consideration. This, however, is a system which prevailed in Guiana before the conquest of that settlement by Great Britain, and which, I apprehend, His Majesty could not establish by the exercise of his prerogative in Newfoundland. If, however, the Council and Assembly as established by your Commission and instructions should concur in the view which I have taken of this subject, and should be disposed to pass a Bill for uniting the two Houses, with a clause suspending the operation of the law, for the signification of His Majesty's pleasure, you will, on His Majesty's behalf, assent to any such Bill. Should the design be entertained, I think that the Colonial Secretary, the Attorney-general and the chief officer of customs would be the most proper persons to hold seats in the Assembly, by virtue of their official situations: they would be enabled to explain the views of the Executive Government upon the principal points which could be brought under the consideration of the Legislature; and the introduction of so small a number as three gentlemen nominated by the Crown could not be supposed in any degree to control its deliberations. Upon this point it is only necessary to add, that the bill should be so framed, as, in depriving the Council of its legislative functions, to allow of its continuance as a body to which the Governor might resort for advice during the intervals between the sessions of the Legislature, and upon other occasions when it might be convenient to him to do so; for this purpose, however, a numerous body is not required, and I have therefore at present only recommended to His Majesty one gentleman, not holding any official situation, for a seat in the Council. The gentleman whom I have selected is Colonel Haly, who has been strongly recommended by yourself, and to whom a dormant commission will be granted, authorizing him to assume the government of the colony in the event of your absence, in order that the regular discharge of the duties of the subordinate officers may not be interrupted by their being called upon to assume the temporary administration of the government.

In contemplation of the change which has been effected in the internal government of the colony, it was resolved to apply to Parliament to continue in force the Acts by which the celebration of marriages, the administration of justice, and the conduct of the fisheries are regulated. Bills are now pending for that purpose, and will, I trust, be shortly passed into law. The Marriage and
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the Administration of Justice Acts, being matters exclusively of local concern, will remain in force until the local Legislature shall see fit to repeal or to alter them. If the Council and Assembly should think that any change is requisite on either of these topics, the remedy will therefore be in their own hands. The Newfoundland Fisheries Act affects interests partly local, and partly co-extensive with the trade and navigation of the empire at large. It will therefore be continued in force for two years. Before the expiration of that time it will be fit that the local Legislature should be invited to consider the subject in all its bearings. So much of that statute as relates to the navigation and commerce of this kingdom may then be revised by Parliament, with the benefit of the assistance to be anticipated from the labours of the Council and Assembly; so much, on the other hand, of the statute as refers to interests properly local may then also be remitted to the local Legislature for their decision.

By one of the two bills to which I have referred, provision is made for transferring to the Governor, Council and Assembly of Newfoundland the appropriation to the public service of the island of all money levied there under any Parliamentary authority. From his existing revenues His Majesty has reserved nothing for his own unqualified disposal, but has placed the whole under the control of the local Legislature, with the exception of a sum which must be applied for the support of the Governor, the Judges, the Colonial Secretary and the Attorney-general. This arrangement will, I trust, effectually obviate the difficulties which have been so sensibly felt in other colonies, and satisfy the inhabitants of His Majesty's fixed purpose and earnest solicitude to promote to the utmost of his power a wise economy in the expenditure of the public revenue, and to respect the constitutional rights of the popular branch of the local Legislature.

You will observe that the expense of collecting this branch of the revenue is to be deducted from its gross proceeds, and that these arrangements do not embrace any part of that revenue which accrues to the Crown in virtue of His Majesty's prerogatives. Such, for example, are the rents or the proceeds of the sales of Crown lands, escheats, fines and forfeitures. His Majesty is, however, graciously pleased to authorize you to assure the Council and Assembly that whatever money may accrue to the Crown in the island will always be applied towards the expense of the civil or military government, or towards objects strictly and exclusively local.

I hope shortly to convey to you the authority of the Lords Commissioners of the Treasury for the apportionment of that part of the Parliamentary duties which will be applicable to the support of the public officers already enumerated.

I have, &c.

(signed) GODERICH.

Governor Sir Thomas Cochrane,
&c. &c. &c.

INSTRUCTIONS to Our trusty and well-beloved Sir *Thomas John Cochrane*, Knight, Our Governor and Commander-in-Chief of Our Island of Newfoundland, or in his absence to the Lieutenant-governor or Officer administering the Government of Our said Island for the time being. Given at Our Court at St. James's, the 26th day of July 1832, in the third year of Our reign.

1. With these Our instructions you will receive Our Commission under Our Great Seal of the United Kingdom of Great Britain and Ireland constituting you Our Governor and Commander-in-Chief in and over Our said island of Newfoundland and its dependencies. You are therefore with all convenient speed to assume and enter upon the execution of the trust We have reposed in you. And you are forthwith to call together the following persons, whom We do hereby appoint to be members of Our Council in Our said island, any three of whom to be a quorum: viz. The Chief Justice for the time being of Our said island; the Chief Officer in command of Our land forces for the time being in Our said island next after Our Governor thereof for the time being; the Attorney-general for the time being of Our said island; the Collector or other Chief Officer of

of Customs for the time being of Our said island ; the Colonial Secretary for the time being of Our said island, and William Haly, Esquire.

2. And you are with all due and usual solemnity to cause Our said Commission, constituting you Our Governor and Commander-in-Chief as aforesaid, to be read and published at the first meeting of Our said Council, and shall then take, and also administer to each of the members thereof, the several oaths therein required.

3. You shall administer or cause to be administered the several oaths mentioned in Our said Commission to all judges, justices, and other persons who hold any place of trust or profit in Our said island, without the doing of which you are not to admit any person whatsoever into any public office, nor suffer those who may have already been admitted to continue therein.

4. You are to communicate forthwith such of these Our instructions to Our said Council, wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

5. You are to permit the members of Our said Council to have and enjoy freedom of debate, and vote in all affairs of public concern that may be submitted to their consideration in Council.

6. And that we may be always informed of the names and characters of persons fit to supply the vacancies in Our said Council, you are from time to time, whenever any vacancy shall happen therein, forthwith to transmit unto Us, through one of Our Principal Secretaries of State, the names of three persons, inhabitants of the said island, whom you shall esteem the best qualified for the trust.

7. And whereas by Our Commission you are empowered in case of the death or absence of any of the members of Our said Council to fill up the vacancies therein to the number of three, and no more, you are therefore from time to time to send to Us, through one of Our Principal Secretaries of State, the names and qualifications of any members by you put into Our said Council by the first opportunity after so doing.

8. And in the choice and nomination of the members of Our said Council, as also of the judges, justices, and other officers, you are always to take care that they be men of good life, well affected to Our government, of good estates, and abilities suitable to their employments.

9. You are neither to augment nor diminish the number of the members of Our said Council as already established, nor to suspend any of them without good and sufficient cause, nor without the consent of the majority of the said Council, signified in Council after due examination of the charge against such Councillor, and his answer thereunto ; and in case of the suspension of any of them you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereunto, to be duly entered upon the Council-book, and forthwith to transmit copies to Us, through one of Our Principal Secretaries of State. Nevertheless, if it should happen that you should have reasons for suspending any of the members of Our said Council, not fit to be communicated to Our said Council, you may in that case suspend such member without their consent. But you are thereupon immediately to send to Us, through one of Our Principal Secretaries of State, an account of your proceedings therein, together with your reasons at large for such suspension, and also your reasons for not communicating the same to Our Council.

10. And whereas effectual care ought to be taken to oblige the members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a quorum to transact business as occasion may require, it is Our will and pleasure that if any of the members of Our said Council shall hereafter absent themselves from the said island, and continue absent above the space of six months together without leave from you or Our Commander-in-Chief for the time being first obtained under your or his hand or seal, or shall remain absent for the space of two years successively without leave given them under Our Royal Sign Manual and Signet, their place or places in the said Council shall immediately thereupon become void ; and that if any of the members of Our said Council then residing within Our said island shall hereafter absent themselves when duly summoned without a sufficient cause, and shall persist in such absence after being thereof admonished by you, you suspend the said Councillors so absenting themselves till Our further will and pleasure therein be known, giving immediate notice thereof to Us, through

ROYAL INSTRUCTIONS.

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one of Our Principal Secretaries of State : And we do hereby will and require that Our royal pleasure be signified to the members of Our said Council and entered in the Council-book as a standing rule.

11. And whereas by Our aforesaid Commission you are authorized and empowered to summon and call General Assemblies of the freeholders and householders within Our said island, in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by these Our instructions in that behalf, you are therefore, for the purpose of electing the members of such Assemblies, hereby authorized to issue a proclamation dividing Our said island in districts or counties, town or townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, towns or townships respectively, and from time to time to nominate and appoint proper persons to execute the office of returning officer in each of the said districts or counties, towns or townships; and you are, so soon as you shall see expedient, to issue writs in Our name, directed to the proper officers in each district or county, town or township, directing them to summon the freeholders and householders thereof to proceed to the election of persons to represent them in the General Assembly according to the regulations and directions to be signified in the proclamation to be issued by you as aforesaid.

12. You are to observe in the passing of all laws, that the style of enacting the same be by the Governor, Council, and Assembly.

13. And We do hereby require and command that you do not, on any pretence whatever, give your assent to any law or laws to be passed by which the number of the Assembly shall be enlarged or diminished, the duration ascertained, the qualifications of the electors or the elected fixed or altered, or by which any regulations shall be established with respect thereto, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our royal pleasure thereupon, unless you take care in the passing such Bill or Bills that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.

14. And you shall not re-enact any law to which the assent of Us or Our royal predecessors has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you, to be made to Us, through one of Our Principal Secretaries of State, of the reason and necessity for re-enacting such law.

15. And it is Our express will and pleasure, that no law for constituting any court or courts of judicature, or for establishing the militia, shall be a temporary law; and that no law for granting unto Us any sum or sums of money by duties of impost, tonnage, or excise, be made to continue for less than one whole year; as also that no other laws whatsoever be made to continue for less than two years, except only in cases where it may be necessary for some unforeseen emergency to make provision by law for a service in its nature temporary and contingent.

16. You are also, as much as possible, to observe in the passing of all laws, that each different matter be provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in, or annexed to, any Act which shall be foreign to what the title of such respective Act imports; and that no perpetual clause be part of any temporary law; and that no Act whatever be suspended, altered, continued, revived, or repealed by general words, but that the title and date of such Act so suspended, altered, continued, revived, or repealed, be particularly mentioned and expressed in the enacting part.

17. And you are particularly enjoined not to pass any law, or do any act, by grant, deed, conveyance, or otherwise, whereby Our revenue may be lessened or impaired without Our especial leave or command thereon.

18. It is Our will and pleasure that you do not give your assent to any Bill or Bills for raising money by the institution of any public or private lotteries whatsoever until you shall have first transmitted unto Us, through one of our Principal Secretaries of State, a draft or drafts of such Bill or Bills, and shall have received our directions thereupon.

19. It is Our will and pleasure that you do not, on any pretence whatever,
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give your assent to, or pass any Bill or Bills in Our island under your government, by which the lands, tenements, goods, chattels, rights and credits of persons who have never resided within Our said island, shall be liable to be seized or taken in execution for the recovery of debts due from such persons, otherwise than is allowed by law in cases of a like nature within Our realm of England, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our royal pleasure thereupon, unless you take care, in the passing of such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until Our royal will and pleasure shall be known thereupon.

20. It is Our further will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may have been or shall hereafter be passed by the Council and Assembly of the island under your government for the naturalization of aliens, nor for the divorce of persons joined together in holy matrimony, nor for establishing a title in any person to lands, tenements, and real estates in Our said island, originally granted to or purchased by aliens antecedent to naturalization.

21. Whereas great mischiefs have arisen by the frequent passing of Bills of an unusual and extraordinary nature and importance in the plantations, which Bills remain in force there, from the time of enacting, until Our pleasure be signified to the contrary, We do hereby will and require you not to pass or give your assent to any Bill or Bills passed in the Assembly of an unusual and extraordinary nature and importance, whereby Our prerogative or the property of Our subjects may be prejudiced, nor to any Bill or Bills whereby the trade or shipping of this kingdom shall be in anywise affected, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such Bill or Bills, and shall have received Our royal pleasure thereupon, unless you take care in the passing any such Bills as afore mentioned that there be a clause inserted therein, suspending and deferring the execution thereof until Our pleasure shall be known concerning the same.

22. You are also to take care that no private Act be passed, whereby the property of any private person may be affected, in which there is not a saving of the right of Us, Our heirs and successors, all bodies politic and corporate, and of all other, except such as are mentioned in the said Act, and those claiming by, from, and under them; and further, you shall take care that no such private Act be passed without a clause suspending the execution thereof until the same shall have received Our royal approbation. It is likewise Our will and pleasure that you do not give your assent to any private Act until proof be made before you in Council, and entered in the Council-book, that public notification was made of the parties' intention to apply for such an Act in the several parish churches where the premises in question lie, for three Sundays at least successively, before any such Act shall be brought into the Assembly, and that a certificate, under your hand, be transmitted with, and annexed to every such private Act, signifying that the same has passed through all the forms above mentioned.

23. You are to take care that in all Acts or Orders to be passed within Our said island, in any case for levying money or imposing fines and penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said island, and the support of the government thereof, as by the said Act or Order shall be directed.

24. You are not to suffer any public money whatsoever, whether it be appropriated to any particular service or not by the Act granting the same, to be issued or disposed of otherwise than by warrant under your hand, by and with the consent of the said Council. But the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them, as there shall be occasion.

25. You are not to permit any clause whatsoever to be inserted in any law for levying of money, or the value of money, whereby the same shall not be made liable to be accounted for unto Us, here in this kingdom, and to Our Commissioners of Our Treasury, or Our High Treasurer for the time being; and we do particularly require and enjoin you, upon pain of Our highest displeasure, to take care that fair books of accounts of all receipts and payments of all such

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such money be duly kept, and copies thereof be transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, and in which books shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end We may be satisfied of the right and due application of the revenue of Our said island, with the probability of the increase and diminution of it, under every head and article thereof.

26. It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the fourth year of the reign of his late Majesty King George the Third, intituled, "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such Bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same;" and also of an Act passed in the thirteenth year of the reign of his late Majesty to explain and amend the above-recited Act passed in the fourth year of his reign as aforesaid; and you are not to give your assent to, or pass any Act whereby bills of credit may be struck or issued in lieu of money, or for payment of money, either to you, Our Governor, or to any person whatsoever, unless a clause be inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our heirs or successors.

27. You are to transmit an authenticated and separate copy of every Law, Statute or Ordinance that at any time hereafter shall be made or enacted within the island under your Government, under the Public Seal, unto Us, through one of Our Principal Secretaries of State, within three months, or sooner, after their being enacted, upon pain of Our highest displeasure, and of the forfeiture of that year's salary wherein you shall omit to send over the said Laws, Statutes and Ordinances as aforesaid, within the time above-mentioned, as also of such other penalty as We shall please to inflict: but if it shall happen that no shipping shall come from Our said island within three months after the making such Laws, Statutes and Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.

28. And it is Our further will and pleasure that the copies and duplicates of all Acts that shall be transmitted as aforesaid be fairly abstracted in the margents, and there be inserted the several dates or respective times when the same passed the Council and Assembly, and received your assent; and you are to be as particular as may be in your observations, to be sent to us through one of Our Principal Secretaries of State, upon every Act; that is to say, whether the same is introductive of a new law, declaratory of a former law, or does repeal a law then before in being, and you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such laws, unless the same do fully appear in the preambles of the said Acts.

29. You are to require the Secretary of the island under your government, or his deputy for the time being, to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time, together with copies of the journals of the Council, and that all such copies be fairly abstracted in the margents, to the end the same may be transmitted to Us, through one of Our Principal Secretaries of State, which he is duly to perform upon pain of incurring the forfeiture of his office.

30. You are also to require from the clerk of the Assembly of the said island, or other proper officer, transcripts of all the journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the margents, to the end the same may in like manner be transmitted as aforesaid.

31. You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of the majority of the Council of Our said island, signified in Council. And it is Our further will and pleasure that all commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary officers, be granted during pleasure only.

32. You shall not suspend any of the Judges, Justices, or other officers or ministers, without good and sufficient cause, which you shall signify in the
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fullest and most distinct manner to us, through one of Our Principal Secretaries of State.

33. It being of the greatest importance to Our service, and to the welfare of Our subjects, that justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof, be effectually prevented, We do particularly require you to take especial care that in all courts where you are authorized to preside justice be impartially administered; and that in all other courts established within Our said island, all Judges and other persons therein concerned do likewise perform their several duties without any delay or partiality. You shall not erect any court or office of judicature not before erected or established, nor dissolve any court or office already erected or established, without Our especial order.

34. You are, for the better administration of justice, to endeavour to get a law passed in our said island, wherein shall be set the value of men's estates, either in goods or lands, under which they shall not be capable of serving as jurors.

35. You are to take care that all writs be issued in Our name throughout Our said island under your government.

36. Whereas, in pursuance of an Act passed in the 5th year of the reign of his late Majesty, King George the Fourth, intituled, "An Act for the better Administration of Justice in Newfoundland, and for other purposes," by Our Charter or Letters Patent, issued under the Great Seal of the United Kingdom of Great Britain and Ireland, a supreme court of jurisdiction, called the "Supreme Court of Newfoundland," was erected and established in Our said island, with certain powers and authorities, and under certain regulations therein specified, you are hereby required to take care that the same be duly complied with, and put in execution.

37. You are, with the advice and consent of Our Council, to take especial care to regulate all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no extortion be made on any occasion whatsoever, as also that tables of all fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to Us, through one of Our Principal Secretaries of State.

38. You shall not by colour of any power or authority, hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant, or dispose of any office or place within Our said island, which now is or shall be granted under the Great Seal of this kingdom, or to which any person is or shall be appointed by warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you, put in any fit person to officiate in the interim till you shall have represented the matter to Us, through one of Our Principal Secretaries of State, which you are to do by the first opportunity, and have received our further directions therein.

39. You are to transmit unto Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices and officers, powers, authorities, fees, and privileges, granted and settled, or which shall be granted and settled within our said island, as likewise an account of all the expenses attending the establishments of the said courts, and of such funds as are settled and appropriated to discharge the same.

40. It is Our express will and pleasure that you be at all times aiding and assisting unto the officers appointed for the managing, levying, collecting and receiving public revenues, and such duties and revenues as are or shall hereafter be laid and imposed within your government, and the seizures, forfeitures and arrears which shall accrue and grow due by reason thereof.

41. And whereas complaints have been made by the officers of Our Customs in Our plantations in America that they have been frequently obliged to serve on juries, and personally to appear in arms whensoever the militia is drawn out, and thereby are much hindered in the execution of their employments, Our will and pleasure is that you take effectual care, and give the necessary directions that the several officers of Our Customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in
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case of absolute necessity, or serving any parochial offices which may hinder them in the execution of their duties.

42. And in case of the vacancy of the Collector, or any of Our officers of the Customs by death, removal, or otherwise, and in order that there may be no delay given on occasion of such vacancy to the masters of ships or merchants in their despatch, you are hereby empowered, subject to such instructions as you shall receive from Our Commissioners of Our Treasury, or Our High Treasurer, or from the Commissioners of our Customs for the time being in this behalf, to appoint other persons duly qualified to execute such offices, until further directions shall be received from Our Commissioners of Our Treasury, or Our High Treasurer, to whom you are to give notice of such appointments by the first opportunity, taking care that you do not, under pretence of this instruction, interfere with the powers and authorities given to Our said Collector by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs.

43. You shall not remit any fines or forfeitures whatever above the sum of 50 *l.*, nor dispose of any forfeitures whatsoever until upon signifying unto Our Commissioners of Our Treasury, or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof (which you are to do with all speed), you shall have received Our directions therein, but you may in the mean time suspend the payment of the said fines and forfeitures.

44. It is Our will and pleasure that you do not dispose of forfeitures or escheats to any persons until the Provost Marshal or other proper officer have made inquiries by a jury upon their oaths into the true value thereof, nor until you shall have transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, a particular account of such forfeitures and escheats and the value thereof, and shall have received Our directions thereupon, and you are to take care that the produce of the said forfeitures and escheats, in case We shall think proper to give you direction to dispose of the same, be duly paid to the receiver of Our casual revenue; and that a full account thereof be transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, with the names of the persons to whom disposed of.

45. Whereas you will receive from Our Commissioners for executing the office of High Admiral a commission constituting you Vice Admiral of Our said island, you are hereby required and directed carefully to put in execution the several powers thereby granted to you.

46. And whereas commissions have been granted in our colonies and plantations for trying pirates in those parts, pursuant to the Acts for the more effectual suppression of piracy, Our will and pleasure is, that in all matters relating to pirates you govern yourself according to the intent of the Acts before mentioned, and any commission you may receive in reference thereto.

47. And whereas there have been great irregularities in the manner of granting commissions to private ships of war, you are to govern yourself whenever there shall be occasion according to the commission and instructions granted in this kingdom: but you are not to grant commissions of marque or reprisal against any prince or state or their subjects in amity with Us to any person whatsoever without Our special command.

48. Whereas We have thought it necessary for Our service to constitute and appoint a Receiver-general of Our rights and perquisites of the Admiralty, it is therefore Our will and pleasure that you be aiding and assisting to the said Receiver-general, his deputy or deputies, in the execution of the said office of Receiver-general; and We do hereby enjoin and require you to make up your accounts with him, his deputy or deputies, of all such rights of Admiralty (effects of pirates included) as you or your officers have received, or shall or may receive for the future, and to pay over to the said Receiver-general, his deputy or deputies, for Our use, all such sum or sums of money as shall appear upon the foot of such accounts, to be and remain in your hands, or in the hands of any of your officers: And whereas Our said Receiver-general is directed, in case the parties chargeable with any part of such Our revenue refuse, neglect, or delay payment thereof, by himself, or sufficient deputy, to apply in Our name to Our Governors, Judges, Attorney-general or any other Our officers or magistrates, to be aiding or assisting to him in recovering the

same, it is therefore Our will and pleasure that you, Our Governor, Our Judges, Our Attorney-general, and all other officers whom it may concern, do use all lawful authority for the recovering and levying thereof.

49. And whereas by Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 10th day of May 1825, the Island of Newfoundland was constituted to be part of the See of the Bishop of Nova Scotia, and the said bishop was thereby duly authorized to exercise jurisdiction, spiritual and ecclesiastical, in the said colonies, it is Our will and pleasure that in the administration of the government of our said island you should be aiding and assisting to the said bishop, and to his commissary or commissaries, in the execution of their charge, and the exercise of such ecclesiastical jurisdiction, excepting only the granting licences for marriages and probates of wills.

50. We do enjoin and require that you do take especial care that Almighty God be devoutly and truly served throughout your government, the Book of Common Prayer, as by law established, read each Sunday and holiday, and the Blessed Sacrament administered according to the rites of the Church of England. You shall be careful that all orthodox churches already built there be well and orderly kept, and that more be built, as Our island shall, by God's blessing, be improved. And that besides a competent maintenance to be assigned to the minister of each orthodox church, a convenient house be built at the common charge for each minister, and a competent portion of land for a glebe be allotted to him. And you are to take care that the parishes be so limited and settled as you shall find most convenient for the accomplishing this good work, and in all matters relating to the celebration of Divine Worship, the erection and repair of churches, the maintenance of ministers, and the settlement of parishes throughout your government, you are to advise with the Right Reverend Father in God the Bishop of Nova Scotia for the time being.

51. Upon the vacancy of any ecclesiastical benefice in Our said island, you will present to the said Bishop of Nova Scotia for the time being, for institution to such vacant benefice, any clerk in holy orders of the United Church of England and Ireland, who shall have been actually resident within the said diocese, and officiating there as a clerk in holy orders, for six calendar months at the least next before such benefice shall have become vacant, whom the said bishop may certify to you to be a fit and proper person to fill such vacancy, and to be a person of good life and conversation, and conformable to the doctrine and discipline of the said United Church. But if at the time of any such vacancy occurring there shall not be resident within the said diocese any clerk in holy orders of the said United Church who shall have been resident and officiating therein as aforesaid, in whose favour the said bishop shall think proper so to certify to you, or if no such certificate shall be received by you from the said bishop within three calendar months next after such vacancy shall occur, then and in either of such cases you shall forthwith report the circumstances to Us, through one of Our Principal Secretaries of State, to the intent that We may nominate some fit and proper person, being a clerk in holy orders as aforesaid, to fill the said vacancy. And We do enjoin and command you to present to the said bishop for institution to any such vacant ecclesiastical benefice, any clerk who may be so nominated by Us, through one of Our Principal Secretaries of State.

52. You are to inquire whether there be any minister within your government who preaches and administers the Sacrament in any orthodox church or chapel, without being in due orders, and to give an account thereof to the said Bishop of Nova Scotia.

53. And whereas doubts have arisen whether the powers of granting licences for marriages and probates of wills, commonly called the Office of Ordinary, which We have reserved to you, Our Governor, can be exercised by deputation from you to any other person within Our said island under your government, it is Our express will and pleasure, and you are hereby directed and required not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in Our said island under your government.

54. And you are to take especial care that a table of marriages established by the canons of the Church of England be hung up in every orthodox church and duly observed.

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55. The Right Reverend Father in God, Edmund, then Lord Bishop of London, having presented a petition to his Majesty King George the First, humbly beseeching him to send instructions to the governors of all the several colonies and plantations in America, that they cause all laws already made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's-day, swearing and drunkenness in their respective governments to be rigorously executed, and We, thinking it highly just that all persons who shall offend in any of the particulars aforesaid should be prosecuted and punished for their said offences, it is therefore Our will and pleasure that you take due care for the punishment of the afore-mentioned vices, and that you earnestly recommend that effectual laws be passed for the restraint and punishment of all such of the afore-mentioned vices against which no laws are as yet provided. And also you are to use your endeavours to render the laws in being more effectual, by providing for the punishment of the afore-mentioned vices, by presentment upon oath to be made to the temporal courts by the churchwardens of the several parishes, at proper times of the year to be appointed for that purpose; and for the further discouragement of vice and encouragement of virtue and good living, you are not to admit any persons to public trusts or employments in the island under your government whose ill fame and conversation may occasion scandal.

56. It is Our further will and pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining schools in order to the training up of youth to reading, and to a necessary knowledge of the principles of religion. You are not, however, to give your consent to any Act respecting religion without a clause suspending its operation until Our pleasure shall have been signified thereupon, unless a draft thereof shall have been previously transmitted by you for Our consideration and approval.

57. And We do further direct that in all matters arising within your government connected with the education of youth in the principles of the Christian religion according to the doctrine of the said United Church of England, or connected with the prevention of vice and profaneness, or the conversion of negroes and other slaves, or connected with the worship of Almighty God, or the promotion of religion and virtue, you be advising with the Bishop for the time being of the said diocese of Nova Scotia, and be aiding him in the execution of all such designs and undertakings as may be recommended by the said Bishop for the promotion of any of the objects before mentioned, so far as such designs and undertakings may be consistent with the law and with your said commission, and these Our instructions.

58. You are to transmit to Us, through one of Our Principal Secretaries of State, regular monthly returns of the militia of Our said island whenever and so long as the same shall be embodied, with a particular state of their arms and accoutrements; and for the due preservation and security of which you are to establish such regulations as you shall judge to be most effectual for that purpose.

59. You shall not upon any occasion whatsoever establish or put in execution any articles of war, or other law martial, upon any of Our subjects, inhabitants of Our said island, without the advice and consent of Our Council.

60. And in case of any distress of any other of Our plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our island under your government can spare.

61. You shall, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the island under your government, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made, or advantages gained by trade, and in what way We may contribute thereunto.

62. If any thing shall happen which may be of advantage or security to Our island under your government, which is not herein or by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take orders for the present therein, giving unto us, through one of Our Principal Secretaries of State, speedy notice thereof, that so you may receive Our ratification, if We shall approve the same: Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare war without Our knowledge and particular commands therein first

obtained leave for so doing from Us, under Our Sign-Manual and Signet, or by Our Order in Our Privy Council.

63. And whereas we have thought fit, by Our Commission, to direct that in case of your death or absence, and there be at that time no person within Our said island commissioned or appointed by Us to be Lieutenant-governor, or specially appointed by Us to administer the government within our said island, that the Councillor whose name is first placed in Our instructions to you, (unless it shall therein be otherwise signified), and who shall be, at the time of your absence, residing within Our said island, and who shall take the oaths appointed to be taken by you or the Commander-in-Chief of Our said island, shall take upon him the administration of the government, and execute Our said Commission and instructions and the several powers and authorities therein contained, in the manner therein directed. It is, nevertheless, Our express will and pleasure that in such case the Councillor so administering the government shall forbear to pass any Act or Acts but what are immediately necessary for the peace and welfare of the said island, without Our particular order for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, or to remove or suspend any of the members of Our Council, nor any judges, justices of the peace, or other officer, civil or military, without the advice and consent of at least seven of the Council, nor even then without good and sufficient reason for the same, which the said President is to transmit, signed by himself and the respective Council, to Us, through one of Our Principal Secretaries of State.

64. And whereas We are willing to provide in the best manner for the support of the government of Our said island, by setting apart sufficient allowances to such as shall be Our Governor or Commander-in-Chief, residing for the time being within the same, Our will and pleasure is, that when it shall happen that you shall be absent from Our said island, one full moiety of the salary, and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence, be paid and satisfied unto such Lieutenant-governor or President of the Council for the time being, which we do hereby order and allot unto him for his maintenance, and for the better support of the dignity of our government.

65. And you are upon all occasions to send to Us, through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the conditions of affairs within your government.

(Copy.)

WILLIAM, R.

A PROCLAMATION.

William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c.

To all to whom these presents shall come, greeting;

WHEREAS by Our Letters Patent under the Great Seal of Our United Kingdom aforesaid, bearing date at Westminster, the 2d of March 1832, in the second year of Our reign, We have given and granted to Our trusty and well-beloved Sir Thomas John Cochrane, Knight, Our Governor and Commander-in-Chief of Our island of Newfoundland, full power and authority to summon and call a General Assembly of the freeholders and householders within Our said island; it is therefore Our pleasure, and We do hereby declare and make known to all Our loving subjects within the same, that for the purpose of the election of the members of the said Assembly, the said island shall be divided into nine districts, to be called respectively

The district of St. John.
 The district of Conception Bay.
 The district of Fogo.
 The district of Bonavista.
 The district of Trinity Bay.
 The district of Ferryland.
 The district of Placentia and St. Mary.
 The district of Burin.
 The district of Fortune Bay.

And

And it is Our further will and pleasure, and We do hereby declare, that the before-mentioned district of St. John shall consist of and include all that part of Our said island bounded by the shore which is situate and lying between Petty Harbour and Broad Cove.

And that the beforementioned district of Conception Bay shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Broad Cove and Bay Verd's Head.

And that the before-mentioned district of Fogo shall consist of and include all that part of our said island which, bounded in like manner, is situate and lying between Cape St. John and Fogo Island, including that island.

And that the before-mentioned district of Bonavista shall consist of, and include all that part of Our said island which, bounded in like manner, is situate and lying between Cape Freels and Cape Bonavista.

And that the before-mentioned district of Trinity Bay shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Cape Bonavista and Cape Verds Head.

And that the before-mentioned district of Ferryland shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Petty Harbour and Cape Race.

And that the before-mentioned district of Placentia and St. Mary shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Cape Race and Rushven.

And that the before-mentioned district of Burin shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Rushven and Garnish.

And that the before-mentioned district of Fortune Bay shall consist of and include all that part of Our said island which, bounded in like manner, is situate and lying between Garnish and Bonne Bay.

And We do further signify and declare Our pleasure to be that the said district of St. John shall be represented in the said Assembly by three members.

And that the said district of Conception Bay shall be represented in the said Assembly by four members.

And that each of the said districts of Fogo, of Bonavista, of Trinity Bay, and of Ferryland, shall be represented in the said Assembly by one member.

And that the said district of Placentia and St. Mary shall be represented in the said Assembly by two members.

And that each of the said districts of Burin and Fortune Bay shall be represented in the said Assembly by one member.

And it is Our will and pleasure that the Governor for the time being of Our said island do appoint some fit person to be the returning officer within each of the said districts.

And We do further declare Our pleasure to be that Our said Governor do issue in Our name writs for the election of the members of the several districts before mentioned, which writs shall be addressed to the several returning officers aforesaid, and shall by them be returned to the Colonial Secretary for the time being of Our said island.

And it is Our will and pleasure that every man, being of the full age of 21 years and upwards, and being of sound understanding, and being Our natural born subject, or having been lawfully naturalized, and never having been convicted in due course of law of any infamous crime, and having for two years next immediately preceding the day of election occupied a dwelling-house within Our said island as owner or tenant thereof, shall be eligible to be a member of the said House of Assembly.

And it is Our further will and pleasure, that every man who for one year next immediately preceding the day of election hath occupied a dwelling-house within Our said island as owner or tenant thereof, and who in other respects may be eligible, according to the regulations aforesaid, to be a member of the said House of Assembly, shall be competent and entitled to vote for the election of members of the said Assembly in and for the district within which the dwelling-house so occupied as aforesaid by him may be situate.

And it is Our pleasure that the votes for the members of the said Assembly shall be taken by the said several returning officers at such one or more place or places within each of the said districts as shall for that purpose be appointed in the body of the writ addressed to the returning officer of every such district

respectively, and at or within such time or times as shall for the purpose be therein limited : but inasmuch as by reason of the difficulty of internal communication within Our said island, many persons entitled to vote might be prevented from the exercise of such their franchise, if in every case it were necessary to attend in person for that purpose, We do therefore declare Our pleasure to be, that in respect of any dwelling-house situate at the distance of more than _____ miles from the nearest place of election, within any of the said districts, the vote of any householder, duly qualified as aforesaid, may be given without his personal attendance, by a written notice subscribed by such voter, in the presence of two credible witnesses, and duly attested by their signatures ; which notices shall be in such form as Our Governor for the time being of Our said island shall from time to time direct.

And it is Our further pleasure, that if any candidate or voter at any such election shall object to any vote then tendered, it shall be the duty of the returning officer to hear such objection, and what may be alleged in support of, or in answer to, the same, and to examine on oath the parties by or against whom such objection may be raised, and any person or persons who may be adduced as a witness or as witnesses on either side ; and upon such hearing, to admit or to overrule any such objection as may to such returning officer appear just and right.

And We do further declare Our will to be, that the persons in favour of whom the greater number of votes shall be given in any such district shall be publicly declared by such returning officer to be duly elected to be the representatives thereof in the said General Assembly, and shall thereupon be returned and take their seats accordingly : Provided always, that in cases of peculiar doubt or difficulty, it shall be competent for any such returning officer to make a special return, setting forth the grounds of such doubt, upon which the said House of Assembly shall afterwards decide.

And it is Our will, and We do further declare, that the Assembly so to be chosen as aforesaid shall continue only during Our pleasure, and that the said Assembly shall not proceed to the despatch of any business, unless six members at the least shall be present at and during the whole of the deliberations of the said House thereupon.

And whereas it may be necessary, in order to the complete execution of the several purposes aforesaid, that further regulations should be made for the conduct of the said elections, and the return of members to serve in the said House of Assembly, We have therefore authorized, and do hereby authorize, Our Governor for the time being of our said island, by any proclamation or proclamations to be by him from time to time issued in Our name and on Our behalf, to make such further regulations as may be necessary for the conduct of the said elections, and for the return of members to serve in the said House of Assembly, and for the due discharge of the duties of the said returning officer ; and which regulations shall be of full force, virtue and effect until provision be otherwise made by law, it being, nevertheless, Our pleasure that the regulations so to be made as aforesaid be not repugnant to, or inconsistent with, the several provisions hereinbefore contained, or any of them.

Given at our Court, at St. James's, on the Twenty-sixth day of July,
One Thousand Eight Hundred and Thirty-two, in the Third Year of
Our Reign.

NEWFOUNDLAND:—ROYAL INSTRUCTIONS.

COPY of the ROYAL INSTRUCTIONS to the Governor
of *Newfoundland*, and of the DESPATCHES from
Lord *Goderich* to him, transmitting the Commission.

(*Mr. Robinson.*)

Ordered, by The House of Commons, to be Printed,
7 August 1832.

Date Due

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